



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD) . No.14528 of 2022

Saravanan

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Samayanallur,
Madurai District.
(Crime No. 12 of 2022).

... Respondent/Complainant

For Petitioner : M/s.PITCHAI MUTHU.M, Advocate.

For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No. 12 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested on 11.07.2022 for the alleged offences under Sections 9 & 10 of the Prohibition of Child Marriage Act, 2006 r/w 5(I), 5(j)(ii) and 6 of POCSO Act, 2012, in Crime No.12 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the victim. She was studying 10th standard. After completing 10th standard, she stayed in her house and used to visit her aunt house. On the above said occasion, she fell in love with the accused namely, Saravanan and thereafter, they continued their relationship for some time. She was subjected to forcible marriage by the above said Saravanan and thereafter, she started to live together. On 08.07.2022, she was admitted in the Government Hospital, Didndigul, for delivery. During that time, it was found that she was aged below 18. On that ground, information was sent to the Social Welfare Department. Upon which, a lady police visited the hospital, where she was admitted for delivery. Based upon that, complaint has been registered against the accused persons and the petitioner was arrested on 11.07.2022. Ever since, he is in custody.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

<https://www.mhc.tn.gov.in/judis>



4.The learned Additional Public Prosecutor submitted a baby was born to the victim girl on 09.07.2022 in the Government Hospital, Dindigul. Now, she is in her parental home.

5.Reading of the 164 statement shows that the victim girl fell in love with the above said Saravanan. After marrying her, he was living with her for some time. During that period, she became pregnant. At the time of alleged marriage, she was aged about 17 plus.

6.Considering the period of incarceration and also considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with stringent conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Sessions Judge Principal Special Court for Trial of Cases Under POCSO Act, Madurai, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

12/08/2022

/ TRUE COPY /

12/08/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

TO

- 1 THE SESSIONS JUDGE
PRINCIPAL SPECIAL COURT FOR TRIAL OF CASES UNDER POCSO ACT,
MADURAI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SAMAYANALLUR, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.14528 of 2022

Date :12/08/2022

DSS

SA/PN/SAR.1/12.08.2022/2P/5C

<https://www.mhc.tn.gov.in/judis>