



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 22/09/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17039 of 2022

Kalyani

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
(Crime No.23/2022).

... Respondent/Complainant

For Petitioner : M/s.Balakrishnan T,
Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

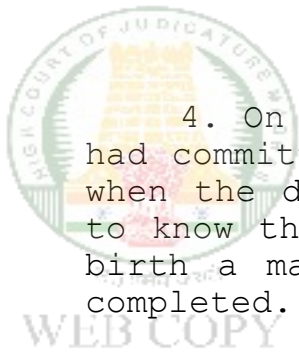
For Bail in Crime No.23/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused herein, who was arrested on 29.07.2022 for the alleged offence under Sections 366 IPC, 5(i)(ii) r/w 6, 17 of POCSO Act, 2012 and 9 of Child Marriage Act, in Crime No.23 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the first accused married the victim/defacto complainant, who was minor with the help of A1's parents and A1 had physical relationship with the defacto complainant, thereby she gave birth to a male child. Hence, the complaint.

3. On the side of the petitioner, it is stated that the petitioner is innocent and had not committed any such offence, as alleged by the prosecution. In this case Child Marriage Act and POCSO Act are not applicable. A false case has been foisted against him. Hence, prays to release him on bail.



4. On the side of prosecution, it is stated that the petitioner had committed aggravated sexual assault on the defacto complainant. when the defacto complainant was admitted in the hospital, it came to know that she was minor, at the time of marriage and she gave a birth a male child on 20.08.2022. The investigation is not yet completed. Hence, prays to dismiss the petition.

5. Considering the gravity of offence against the petitioner and the age of the victim and also considering the stage of the investigation, this Court is not inclined to grant bail to him.

6. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
22/09/2022

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/09/2022

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

TO

1. THE OFFICER-INCHARGE,
DISTRICT JAIL, THENI.
2. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
UTHAMAPALAYAM,
THENI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17039 of 2022
Date :22/09/2022

pnm
USK/SBN/SAR-II/26.09.2022/2P/4C