



WEB COPY

CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/09/2022

PRESENT

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

CRL OP(MD). No.17356 of 2022

Arunkumar ... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Town Police Station,
Bodinayakanur, Theni District.
Crime No.247 of 2022.

... Respondent/Complainant

For Petitioner : Mr.M.Gandhirajan
Advocate.

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

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

PRAYER :-

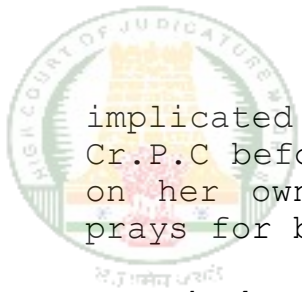
For Bail in Cr.No.247 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 27.07.2022 for the offences punishable under Section 366 IPC, Section 5(1) r/w Section 6 of POCSO Act 2012 and Section 7 of Prohibition of Child Marriage Act, 2006 in Crime No.247 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant/victim's mother namely, Nagakanni lodged a complaint before the respondent police stating that the girl was missing. Later, she came to know that the victim girl has eloped with one Arunkumar. Thereafter, on 27.07.2022, the victim girl and the accused returned to home and the FIR has been altered.

3.The learned counsel for the petitioner would submit that the petitioner had love affair with the victim girl. On her own wish, she eloped with the petitioner on 21.07.2022. He would further submit that the petitioner is innocent and he has been falsely



implicated in this case. Further her statement under Sec 54 Cr.P.C before the learned concerned Judicial Magistrate stating that on her own wish only, she eloped with the petitioner. Hence, he prays for bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the statement has been recorded from the victim under Section 164 Cr.P.C, in which, she has stated that she had love affair with the petitioner, who is aged about 20 years for the past 2 years and on her own wish, she eloped with him. He would further submit that the investigation is not yet completed and hence, he strongly opposed to grant bail.

5.Considering the gravity and nature of the offence and also considering the age of the victim girl and also the fact that the investigation is not yet completed, this Court is not inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-

28/09/2022

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/10/2022

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

SJI

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 OFFICER IN CHARGE,
SUB JAIL, UTHAMAPALAYAM.
- 2.THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
BODINAYAKANUR, THENI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.17356 of 2022

Date :28/09/2022