



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 03/01/2022

WEB COPY

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.19881 of 2021

Muthu Raj ...Petitioner/Sole Accused

Vs.

The State Rep. by
The Inspector of Police,
Devarkulam Police Station,
Tenkasi District.
(Crime No.273 of 2021)

... Respondent/Complainant

For Petitioner : Mr.R.J.Karthick, Advocate

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

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

PRAYER :-

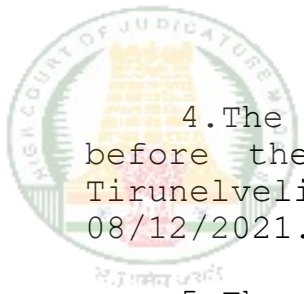
For Bail in Crime No.273 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as sole accused was arrested on 22/10/2021 and remanded to judicial custody for the offences punishable under Section 366 IPC and Sections 7 and 8 of Protection of Children from Sexual Offences Act, 2012, in Crime No.273 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl is aged about 15 years and was studying 11th Std., in Ariyakulam Saratha School, Tirunelveli and she was born on 03/03/2006. When the victim girl was in her grand mother's house, this petitioner came there and hugged her, kissed her, pressed her breast and thereby committed sexual assault on the victim girl. Later, she was kidnapped from her grand mother's house to OM Sakthi house at Sonampatti and had a sexual intercourse.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State.



4.The bail application that has been filed by this petitioner before the Sessions Judge, Special Court for POCSO Act cases, Tirunelveli, in Crl.MP No.1954 of 2021, came to be dismissed, on 08/12/2021.

5.The case of the petitioner is that he and the victim girl are close relatives and in love with each other and that was objected by the parents of the victim and only because of that, this false complaint has been lodged.

6.The entire CD file has been called for and perused.

7.During the course of 164 Cr.P.C statement, the victim girl has stated that she was also love with this petitioner and on 17/10/2021, promising to marry her taken to Dharmapuri. So on 30/08/2021, when she was in her grand mother's house, on the basis of the complaint given by the de-facto complainant, she was taken by the petitioner to the police station and was handed over. So the statement of the victim girl shows that she was also love with this petitioner.

8.The date of birth of the victim girl is stated to be as 03/03/2006. On the date of the occurrence, she was running 17 +. Since the victim girl herself has stated that she also fell in love with the petitioner and major portion of the investigation is also over and considering the period of incarceration of the petitioner, this court is inclined to enlarge the petitioner on bail with certain conditions.

9.Accordingly, the petitioner is ordered to be released on bail on his executing a 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, Special Court for POCSO Act Cases, Tirunelveli and on further condition that the petitioner shall report before the respondent police daily at 10.00 a.m. until further orders.

sd/-
03/01/2022

/ TRUE COPY /

/ /2022

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

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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



TO

- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE,
DEVARKULAM POLICE STATION,
TENKASI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.19881 of 2021
Date :03/01/2022

PKP/VR/SAR-3/04.01.2022/3P/5C