



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

Date : 03/01/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20373 of 2021

Sathish Kumar

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Srivaikundam All Women Police Station,
Thoothukudi District.
Crime No.20 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.Navaneetha Raja,
Advocate.
For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.20 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 29.11.2021 for the alleged offence under Sections 5(1) r/w 6 of POCSO Act & Section 9 of the Prohibition of Child Marriage Act, in Crime No.20 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the mother of the victim girl. The victim girl is aged about 17 years. On, 29.11.2021, the defacto complainant noticed that thali in the neck of her daughter. When she enquired the same, it was found that the petitioner had love affair with the victim girl and on 10.08.2021, at about 12.00 p.m, he tied thali to the victim girl and committed a sexual assault on her. Hence, this complaint.

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. He would further submit that the petitioner and the defacto complainant are relatives. Since, the petitioner and the victim girl loved each other, the alleged



marriage said to have taken place. Further, the date of birth of the victim girl is 10.03.2004 and the age of the victim girl is 17 years and 8 months on the date of occurrence, ie., 29.11.2021. Hence, the victim girl almost reached the age of 18 and so, he seeks bail to the petitioner.

WEB COPY

4.The learned Government Advocate (Crl.Side) would submit that medical examination was conducted and the report has not been received sofar and the investigation is pending.

5.Considering the period of incarceration and the age of the victim girl on the date of alleged occurrence and also considering the fact that the major portion of the investigation might have been completed by this time, this Court is inclined to grant bail to the petitioner with stringent conditions.

6.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 Special Court for Exclusive Trail of Cases Under Pocso, Thoothukudi, and on further condition that the petitioner shall report before the respondent police daily at 10.30 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.

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 SPECIAL JUDGE FOR EXCLUSIVE TRAIL OF CASES UNDER POCSO, THOOTHUKUDI.
- 2 THE INSPECTOR OF POLICE, SRIVAIKUNDAM ALL WOMEN POLICE STATION, THOOTHUKUDI DISTRICT.
- 3 THE SUPERINTENDENT, CENTRAL JAIL, PALAYAMKOTTAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.20373 of 2021

Date :03/01/2022

DSS

<https://hdcv.csl.courts.madras.gov.in/Services/1.2022/2P.5C>