



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

Date : 05/01/2022

PRESENT

THE HON`BLE MR.JUSTICE G.ILANGOVAN

CRL OP(MD). No.20579 of 2021

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RATHISH @ RETHISH KUMAR, ... PETITIONER/SOLE ACCUSED
VS

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
THIRUTHANGAL, VIRUDHUNAGR DISTRICT.
(CRIME NO.437/2021). ... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S. RAM KUMAR.M,
ADVOCATE.

FOR RESPONDENT : MR.S.S.MADHAVAN,
GOVERNMENT ADVOCATE (CRL.SIDE)

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

PRAYER :-

For Bail in Crime No.437 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested on 30.11.2021 for the alleged offence under Sections 363 of IPC and Sections 5(1) & 6 of POCSO Act 2012, in Crime No.437 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint before the respondent police stating that her daughter was found missing from 13.09.2021 and a case was registered as Girl Missing. Later the defacto complainant filed a Habeas Corpus petition before the Madurai Bench of Madras High Court to bring the victim girl before him in H.C.P.(MD).No.1398 of 2021. Then the victim girl has been produced on 29.09.2021. Later the case was altered for the offences punishable under Sections 363 of IPC and Sections 5(1) and 6 of the POCSO Act and handed over the investigation to the Sivakasi Police Station.

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. The victim girl fell in love with the petitioner. She only left with her parental home and expressed her willingness to marry the petitioner. Therefore,



marriage was performed between the petitioner and the victim girl on 25.11.2021.

4.The learned Additional Public Prosecutor submitted that the date of birth of the victim girl is 22.10.2003 and the Birth Certificate of the victim girl was also produced.

5.As per the Birth Certificate, the age of the victim girl is 18 years. Considering the period of incarceration and the facts and circumstances of this case, 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 Judge, Special Court for POCSO Act Cases, Virudhunagar District at Srivilliputhur and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-
05/01/2022

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/ /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 concerned.

TO

- 1.THE JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR
- 2.DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT.
- 3.THE OFFICER INCHARGE,
SUB JAIL, ARUPPUKOTTAI.
4. THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGR DISTRICT.

<https://hcservices.tn.nic.in/Services/DownloadOrder.aspx>



5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.20579 of 2021

Date : 05/01/2022

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GC/SKN(05.01.2022) 3P 6C