



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.20041 of 2022

Somasundaram,

... Petitioner/1st Accused

Vs

State Rep.by
The Inspector of Police,
Viruveedu Police Station,
Dindigul District.
Crime No.193 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Muniyandi S, Advocate.

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

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

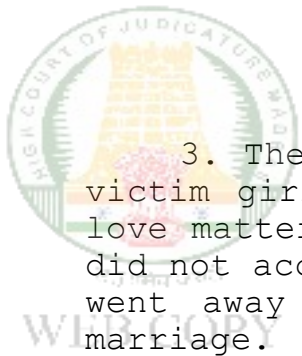
PRAYER :-

For Bail in Crime No.193 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/1st Accused, who was arrested and remanded to judicial custody on 15.10.2022 for the offences punishable under Section Girl Missing @ Section 366(A) of IPC and Section 5(1), 5(n) r/w 6 and 17 of Protection of Child from Sexual Offences Act, in Crime No.193 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl, who is aged about 14 years was found missing from the defacto complainant's house. Therefore, he lodged the complaint before the respondent police and the case was registered under girl missing in Crime No.193 of 2022 by the respondent. After enquiry, it reveals that the first accused loved with the victim girl and thereby, she voluntarily went away from her home. Subsequently, they were
https://www.mca.gov.in/ and the statement of the victim girl was recorded.



3. The learned counsel for the petitioner would submit that the victim girl and the petitioner were loved each other. When their love matter came to the knowledge of the victim girl's family, they did not accept the love with the petitioner. Hence, she voluntarily went away from the parental home and they were performed their marriage. He would further submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Hence, he may be granted bail.

4. The learned Government Advocate(crl.side) would submit that the petitioner married the minor victim girl, who is aged about 14 years and committed aggravated penetrative sexual assault on the victim girl. He would further submit that the statement of the victim girl was recorded and the investigation in this case is still pending. Hence, he strongly opposed for grant of bail.

5. Considering the nature and gravity of the offence and the age of the victim girl and also considering the strong objection raised by the prosecution and the stage of the investigation, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
11/11/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE INSPECTOR OF POLICE
VIRUVEEDU POLICE STATION,
DINDIGUL DISTRICT.
- 2 THE OFFICER INCHARGE
DISTRICT JAIL,
DINDIGUL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.20041 of 2022
Date :11/11/2022

CP

<https://www.mca.gov.in/cr> /25.11.2022/2P/4C