



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT



( Criminal Jurisdiction )

Date : 15/11/2022

PRESENT

WEB COPY

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

CRL OP (MD) . No.20213 of 2022

Vinoth Kumar

... Petitioner/Accused No.1

Vs

The State Rep.by  
The Inspector of Police,  
AWPS Bodi Police Station,  
Theni District.  
Crime No.31/2022.

... Respondent/Complainant

For Petitioner : M/s.Balasubramanian N,  
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.31/2022 on the file of the respondent of Police.

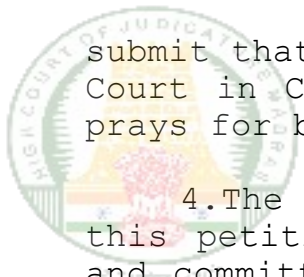
ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 25.10.2022 for the offences punishable under Section 366 IPC, Section 9 of Prohibition of Child Marriage Act and Sections 5 (1), 5(j)(ii), 19, 21(i) and 6 of POCSO Act, 2012 in crime No.31 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the victim girl were in love with each other and the parents of both family members conducted marriage between the petitioner and the de-facto complainant/victim on 24.10.2021. As a result of which, she became pregnant. Thereafter, when she went to hospital for check up, she was found by the Doctors that she was a minor and immediately informed to the respondent police about the incident. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case and he is in judicial custody from 25.10.2022. He would further

<https://www.mhc.tn.gov.in/judis>



submit that A4 and A5 were already granted anticipatory bail in this Court in CrI.O.P.(MD)No.19442 of 2022, dated 03.11.2022. He prays for bail.

4.The learned Additional Public Prosecutor strongly opposed this petition stating that the petitioner married the victim girl and committed sexual assault. As a result of which, she gave birth to a female child. The statement of the victim girl under Section 164 of Cr.P.C is not yet recorded and seven witnesses have been examined.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that A4 and A5 were already granted anticipatory bail and seven witnesses have already been examined, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on 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, Mahalir Neethimandram, Fast Track Mahila Court, Theni.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Sessions Judge/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

iv)the petitioner shall not abscond during trial.

v)On breach of any of the aforesaid conditions, the learned Sessions Judge/concerned is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Sessions Judge/concerned himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

sd/-

15/11/2022

/ TRUE COPY /

15/11/2022

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



TO

1 THE SESSIONS JUDGE,  
MAHALIR NEETHIMANDRAM, FAST TRACK MAHILA COURT,  
THENI.

2 THE OFFICER INCHARGE,  
DISTRICT PRISON, THENI.

3 THE INSPECTOR OF POLICE  
AWPS BODI POLICE STATION, THENI DISTRICT.

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

+1 CC to M/s.N.BALASUBRAMANIAN, Advocate ( SR-13081[I] dated  
15/11/2022 )

ORDER

IN

CRL OP(MD) No.20213 of 2022

Date :15/11/2022

SJI

MK/TR(15.11.2022) 3P 6C