



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.20229 of 2022

Karuppasamy

... Petitioner/Accused
Rank Not Known

Vs

The State rep.by
The Inspector of Police,
Soolakarai Police Station,
Virudhunagar District.
(Crime No.177/2022).

... Respondent/Complainant

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

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.177/2022 on the file of the Respondent Police.

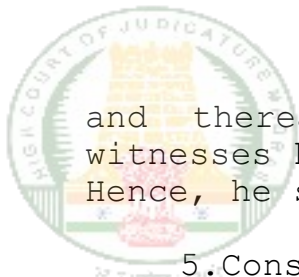
ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 14.10.2022 for the offences punishable under Section 363 IPC, Section 9 of Prohibition of Child Marriage Act, 2006 and Sections 5(1) r/w 6, 7 r/w 8 of POCSO Act, 2012, in crime No.177 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner married the victim girl, who is aged about 17 years and thereafter, committed sexual assault upon her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there is a love affair between the petitioner and the victim girl and he is innocent and he has been falsely implicated in this case and he is in judicial custody from 14.10.2022 and statement of the victim girl is also recorded under 164(5) of Cr.P.C. Hence, he prays for bail.

4.The learned Additional Public Prosecutor would submit that the petitioner married the victim girl, who is aged about 17 years



and thereafter, committed sexual assault upon her and it witnesses have been examined and the investigation is still pending. Hence, he strongly opposed to grant bail.

5. Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that eight 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, Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Virudhunagar District at Srivilliputtur.

(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/Trial Court 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/Trial Court 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,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, 2012,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE OFFICER INCHARGE,
VIRUDHUNAGAR JAIL, VIRUDHUNAGAR.

<https://www.mca2018.in>



3 THE INSPECTOR OF POLICE,
SOOLAKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.M.S.JEYAKARTHIK, Advocate SR.No.13055

ORDER

IN

CRL OP(MD) No.20229 of 2022

Date :15/11/2022

SJI

SA/VR/SAR.4/15.11.2022/3P/6C