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

Date : 01/12/2022

PRESENT

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

CRL OP (MD) . No.21223 of 2022

Sivanantham

... Petitioner/1st Accused

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.
(Crime No.21 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.

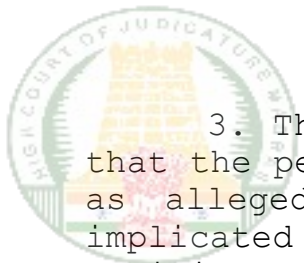
PRAYER :-

For Bail in Crime No.21 of 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 02.10.2022 for the offences punishable under sections 5(1), 6, 17 of Protection of Child from Sexual Offences Act and sections 9 and 10 of Prohibition of Child Marriage Act, 2006, in Crime No.21 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had forcibly sexual intercourse with the defacto complainant, when she was a minor, and thereafter, he married her on 06.06.2019 and for that the petitioner's relatives helped him. Hence, the complaint.



3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his names has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 02.10.2022 and seeks bail.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that totally 21 accused involved in this case and the petitioner herein is arrayed as A1. He would further submit that the petitioner had forcibly sexually intercourse with the de facto complainant, when she was a minor. He would further submit that the petitioner herein has already married and divorced and the 164 statement of the victim was recorded. He further contended that it is a second anticipatory bail petition and the earlier petition filed by the petitioner was dismissed by this Court on 08.11.2022 and some of the accused are absconding and that the investigation of the case is pending and hence, he strongly opposed to grant bail to the petitioner.

5. Considering the gravity of offence and also considering the fact that there is no change of circumstances, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this criminal Original Petition is dismissed.

Sd/-

01/12/2022

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/12/2022

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

TRP

TO

1. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANAMADURAI, SIVAGANGAI DISTRICT.
2. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.21223 of 2022

Date :01/12/2022