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

Date : 23/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15108 of 2023

Surenthar

... Petitioner/Sole Accused

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Kottaipattinam,
Pudukottai District,
Crime No.1/2023.

... Respondent/Complainant

For Petitioner : M/s.Suresh.M,
Advocate.

For Respondent : Mr.B.Nambiselvan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.1 of 2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused herein, who was arrested on 18.07.2023 for the alleged offence under Sections 5(1), 5(j)(ii) r/w 6(1) of POCSO Amendment Act, 2019, in Crime No.1 of 2023, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the mother of the victim girl given a

complaint on 18.07.2023 alleging that her daughter aged about 16 years and who has



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completed 10th standard informed that the defacto complainant on 17.07.2023 morning that she had stomach pain and thereafter, the victim girl was taken to Nadugudi Primary Health Center and she was informed that the victim girl was 4 months pregnant and when the defacto complainant asked the victim girl as to who was the cause for the same, the victim girl has stated that one Surenthar, who is the accused herein was known to her and the accused told her that he was in love with the victim girl and four months back he involved in sexual intercourse with her. The victim girl was thereafter sent to Aranthangi Government Hospital and was admitted inpatient. Hence, the case.

3.The victim is aged about 16 years. On the ground that there was a compromise between the victim's parents and the accused's parents, the counsel for the petitioner request the Court to grant bail, since he is also ready to file undertaking affidavit that he will marry the victim after she attaining majority, by waiting two more years. The parents of both victim and the accused are present before this Court and submitted that they are close relatives. Therefore, they have confidence with each other. The petitioner also appeared through VC today and submitted that there is a love affair between them and also gave undertaking that he will marry the victim girl after she attaining the majority.



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4. In view of the submissions made by the parents of the victim as well as the accused that they will perform marriage between the victim and the accused person after the victim attaining the majority and also in view of the undertaking given by the petitioner before this Court, this Court is inclined to grant bail to the petitioner with certain conditions.

5. Accordingly, this Criminal Original Petition is allowed on condition that **the petitioner shall file an undertaking affidavit before the trial Court to the effect that he will marry the victim girl after she attaining majority.** On filing of the above said undertaking affidavit, 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 Sessions Judge, Mahila Court, Pudukottai and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

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23/08/2023

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



TO
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- 1 THE SESSIONS JUDGE,
MAHILA COURT, PUDUKOTTAI.
- 2 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKOTTAI.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KOTTAIPATTINAM,
PUDUKOTTAI DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN

CRL OP(MD) No.15108 of 2023

Date :23/08/2023

SS/23/08/2023/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023