

In the Court of Sessions Judge, Special Court for Trial of Cases under
POCSO Act,

Madurai.

Present: Tmt. J. Flora, M.L.,
Sessions Judge, Special Court for Trial of
POCSO Act,

Cases under
Madurai.

Dated this the 29th day of May 2020.
e.Criminal Miscellaneous Petition No.29/2020

Muthukaruppan
S/o.Ramalinga Alagumalai
Petitioner /Accused

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/vs/

State through the Inspector
of Police, Sholavanthan Police Station,
in Crime No.113/2017
Respondent/ Complainant.

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ORDER

This petitioner/accused had filed the petition seeking bail. The petitioner/accused was arrested and remanded to judicial custody on 07.03.2020 for alleged offences punishable u/s 366(A) IPC, 9 r/w 10 Prohibition of Child Marriage Act and 5(l), 5(j)(ii) r/w 6 of Protection of Children from Sexual offences Act 2012.

Heard both sides through Audio Conference call

The case of the prosecution is that the petitioner/accused had developed relationship with the victim girl aged 16 years, who was studying 9th standard in Sholavanthan Saththiram Girls. Hr. Sec School and on 14.02.2017 at 14.00 hours the petitioner/accused had kidnapped the victim girl from her house to Sholavanthan bus stop and from there he had taken her to Karanampettai, Coimbatore, tied thali around her neck in a temple rented a room for and had committed penetrative sexual assault repeatedly due to which she delivered a male child on 29.01.2020 and on 06.03.2020 the petitioner/accused had been informed about the death of his younger sister Muthulakshmi had come to Sholavandhan Pettai and on the basis of the complaint preferred by the victim girl the case has been registered.

The learned counsel for the Petitioner/Accused submitted that the victim girl and the petitioner/accused were lovers that the victim girl on her own accord went away with the petitioner/accused married him, that both were living together and the petitioner/accused is in judicial custody for the past 81 days and prays to release the petitioner/accused on bail.

The learned Special Public Prosecutor had contended that the petitioner /accused was involved in the offences 366(A) IPC, 9 r/w 10 Prohibition of Child Marriage Act and 5(l), 5(j) (ii) r/w 6 of Protection of Children from Sexual offences Act 2012, the age of the victim girl is 16 years the petitioner/accused had kidnapped the victim child married her, and had committed penetrative sexual assault on the victim girl repeatedly due to which the victim became pregnant, gave birth to a male child on 29.0.1.2020, that the petitioner/accused was remanded only on 07.03.2020 that the investigation is pending that DNA Test has to be conducted to the victim, the petitioner/accused and their child and if the petitioner/accused is released on bail he may involve in an another offence, he may tamper the witnesses and hence strongly objected