

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

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

Dated this the 20th day of May 2020.

E- Cr.M.P.No.24 /2020

Sasikumar (24/2020)  
S/o. Ayyavu,  
Sangampatti,  
Usilampatti Taluk,  
Madurai District.

.. Petitioner /

Accused

-Vs-

State Through the  
Inspector of Police,  
Chekkarnoorani Police Station,  
Madurai District  
in Crime No.404/2020

.. Respondent/ Complainant

#### Order

The petitioner who is arrayed as accused was arrested and remanded to judicial custody on 18/4/2020 for alleged offences punishable u/s 9 and 10 of Prohibition of Child Marriage Act and 5(1), 6 of POCSO Act.

Heard both sides through Audio Conference call.

The case of the prosecution is that the petitioner/accused had developed acquaintance with the victim girl aged 17 years and on coming to know about the same, the parents of the victim girl reprimanded the victim girl and thereafter the petitioner/accused came to the house of the victim girl seeking bride for which the parents of the victim girl told him that she is just 17 years old and sent him away. Later on 12.04.2020 at 11.00am while the parents of the victim girl were away to work, the petitioner/accused came stealthily to the house of the victim girl allured her with sweet coated words, that he would marry her, tied thali around her neck and married her and the victim girl had concealed the thali and on 17.04.2020 the parents of the victim girl on noticing the thali around her neck had enquired her, whileso the victim girl told them that the petitioner/accused with sweet coated words had tied thali around her neck and had committed sexual assault with her and whenever they were away to work, the petitioner/accused would come to their house and had committed sexual assault repeatedly and thus the case was registered.

The learned counsel for the petitioner contended that due to enmity between the petitioner/accused and the mother of the defacto complainant the petitioner has been falsely implicated in this case and that he is in judicial custody for the past 31 days, and that this is the 2nd bail application, whereas the learned Special Public Prosecutor contended that the petitioner/accused had forcibly married the victim girl and had committed sexual assault repeatedly on the victim girl and the medical examination of the petitioner/accused is not yet over and the statement u/s 164 Cr.P.C. of the victim girl is not yet recorded and that if the petitioner/accused is released on bail he would tamper the witness and strongly objected to release the accused on bail.

Perused the case records. The accused has been remanded to judicial custody on 18.04.2020. The petitioner/accused had developed acquaintance with the victim girl and had proposed to her parents with the intention of marrying her and when the same was rejected, he had entered the house of the victim girl stealthily and had tied thali around her neck and had committed sexual assault. Likewise whenever the parents of the victim girl were away to work, he had gone to the house of the victim girl stealthily and had committed sexual assault repeatedly on the victim girl. It is further seen that the 164 Cr.P.C. statement of the victim girl is not yet recorded and the medical examination of

the petitioner/accused has not been conducted till date. Hence as the Investigation of the case is in initial stage and as there are no change in the circumstances in the second bail application, considering the gravity, seriousness and magnitude of the crime, this petition cannot be entertained and is therefore liable to be dismissed.

In the result the petition is dismissed.

Judge,  
Court for Exclusive Trial of  
Act,

Sessions  
Special  
Cases under POCSO  
Madurai.