

IN THE COURT OF SESSIONS JUDGE, MAHILA COURT, PERAMBALUR.

**Present: Tmt.P.Indhirani, B.L.,
Sessions Judge,
Mahila Court,
Perambalur.**

Saturday, this the 07th day of March, 2026

Crl.M.P.No.243/2026

in

Spl.S.C. 84/2025

Murugan(A2), Aged 41/2026,
S/o. Perumal.

... Petitioner/2nd Accused.

-vs-

State Govt Tamil Nadu Rep. by
Inspector of Police,
All Women Police Station,
Perambalur.

Cr.No.43/2022.

... Respondent/Complainant.

offences punishable u/S.5(1), 6, 16, 17, of POCSO Act and 9, 10 of Prohibition of Child Marriage Act.

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This petition coming on this day before me for order in the presence of Thiruvallargal. S.Sirajudeen, R.Thirunavukarasu, E.Dinesh, P.Thirugnanam, K. Sarumathi, M. Rohini, C. Yazhini and E. Sathish legal aid defense counsels for the petitioner and of the Special Public Prosecutor for the State and upon hearing both sides, perusing the petition and other relevant records, this Court has delivered the following...

ORDER

This petition has been filed by the petitioner to release on bail u/S.439 of Cr.P.C for the offences punishable u/S. 5(1), 6, 16, 17, of POCSO Act and 9, 10 of Prohibition of Child Marriage Act on the file of the respondent.

1. On service of notice through Investigation officer, the defacto complainant who is the mother of the victim was present and filed her written objection and she stated that she objected to release the accused on bail.

2. The counsel for the petitioner submitted that he has been remanded in judicial custody on 24.10.2025 and the charge was framed by this Court on 11.02.2026 and on execution of non bailable warrant which was issued by Hon'ble Court on 15.05.2025 and this case was split up from mother case in Spl.S.C.No.38/2023 and that the respondent police have not taken any steps to serve summons to the petitioner and no summons has ever been served to him and he is innocent and has been falsely implicated without any basis in the present and no similar bail application was filed before the Hon'ble Madras High Court and any other Court.

3. The Special Public Prosecutor submitted IO reply and stated that the main case is taken on file in Spl.S.C.No.38/2023 and A1 to A5 accused abscond for from 2 years and the 2nd accused has been arrested and the 2nd and 5th accused were split up in Spl.S.C.No.147/2025 and if the accused is released on bail he will abscond and accused they will threaten and tamper the victim and the witnesses and accused is the father of the victim and he strongly objected to release the accused on bail.

4. Both sides heard. Records perused. This case is involved in Cr.No.43/2022 under Sections 5(l), 6, 16, 17, of POCSO Act and 9, 10 of Prohibition of Child Marriage Act. On perusal of records, it revealed that since the main case as Spl.S.C.38/2023 was pending as from 2023 till 24.10.2025 this petitioner Murugan as A2 was in abscond and hence main case was split and the Spl.S.C.84/2025 is pending for this petitioner Murugan as A2 and on 24.10.2025 this petitioner Murugan as A2 was produced on NBW and is in judicial custody till date. The victim girl L.W.2 is his daughter and the allegation that as the father of the victim girl, this petitioner Murugan as A2 alone conducted child marriage of the victim girl against her will to the 1st accused Varatharaj. Hence this Court decided that as per the strong objection of Spl. PP and IO, there is every chance to tamper the victim girl as his daughter.

5. This Court also considered that this case is pending from 2023 till 2026, due to the absconding nature of this petitioner/accused there by the trial of this case

is pending for more than 3 years which is against u/s.35 of POCSO Act. But this petitioner/accused stated the reason for the respondent police have not taken any steps to serve summons to the petitioner and no summons has ever been served to him and the same has not been proved through any documentary proof by the petitioner/accused and hence the reason stated by him can not be acceptable.

This Court considered that the reason for pending trial under POCSO Act for more than 3 years that due to continuous non appearance of this petitioner/accused and the evidence of victim girl yet to be examined and hence for the purpose of securing his presence during trial and considering gravity of offences this Court is not inclined to enlarge him on bail.

6. Hence this bail petition is dismissed.

Pronounced by me in open Court, this the 07th day of March, 2026.

Sessions Judge,
Mahila Court, Perambalur.