



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

Date : 11/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9763 of 2019

Antony Selvam

... Petitioners/Accused A1

Vs

State rep.by,
The Inspector of Police,
Kadupatti Police Station,
Crime No.96/2019.

... Respondent/Complainant

For Petitioner : M/.S.Muthalraj,
Advocate.

For Respondent : Mr.V.Neelakandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime NO.96/2019 on the file of the respondent police

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no. 1 seeking bail for the alleged offence under Sections 366(A) of IPC and Section 9 and 10 of the Prohibition of Child Marriage Act 2006 r/w.Section 5(1) and Section 6 of POCSO Act.

2.Heard both sides

3. The learned counsel for the petitioner would submit that the petitioner had married the victim girl in Tiruchendur temple. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 04.06.2019 and he is in custody for the past 34 days. He would further submit that the victim girl was also secured and statement under Section 164 Cr.P.C has been recorded and medical examination was also over. Therefore he prayed to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would submit since the petitioner had admitted the offence and hence he is not entitled for bail. He further submitted that victim girl is aged about 17 years and she gave a statement under Section 164 Cr.P.C before the Magistrate stating that the marriage was performed with the petitioner. He further submitted that the victim girl was subjected to sexual intercourse and therefore she strongly opposed to grant bail to the petitioner.

5. Admittedly the victim girl is aged about 17 years and the petitioner has also admitted the marriage with the minor girl. Further the victim has given a statement under Section 164 Cr.P.C that the marriage was performed with the petitioner and further the medical certificate also shows that the victim girl was subjected to sexual intercourse. Hence, this Court is not inclined to grant bail to the petitioner.

6. Hence the bail petition is dismissed.

sd/-
11/07/2019

/ TRUE COPY /

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

TO

1. THE INSPECTOR OF POLICE
KADUPATTI POLICE STATION,
MADURAI.
2. THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/.S.MUTHALRAJ Advocate SR.No.11635

ORDER
IN
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Date : 11/07/2019

AAV
PK/JC/SAR-2/17.07.2019 : 2P/5C