



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

Date : 08/08/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM
CRL OP(MD). No.11206 of 2019

WEB COPY

Parthiban, ... Petitioner/Accused NO.1

Vs

State Rep. by
The Inspector of Police,
Cumbum South Police Station,
Theni District.
(In Crime No.135 of 2019).

... Respondent/Complainant

For Petitioner : M/s. R.Balamuruganantham,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.135 of 2019 on the file of the respondent

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/Accused No.1 seeking bail for the alleged offence punishable under Sections 9, 10, 11 of Prohibition of Child Marriage Act, 2006 and Section 6 of Protection of Child from Sexual Offences Act, 2012, in Crime No.135 of 2019.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is innocent person and he has been been falsely implicated in the above case. He further submitted that the petitioner has been arrested by the respondent police on 24.06.2019 and from that date onwards, they are in custody and hence, he prayed to grant bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police has submitted that in the 164 statement, the main allegations made only against this petitioner and the investigation is still pending. Hence, he opposed this petition.



5.The First Information Report has been registered based on the complaint given by the Child Welfare Committee, Theni. In the FIR, it is stated that the petitioner had married 13 years old female child and had sexual intercourse with her by force. In the statement recorded under Section 164 Cr.P.C., the victim girl clearly stated that she was forced to marry the petitioner and thereafter the petitioner had sexual intercourse with her by force.

6.The medical report shows that the victim girl was subjected to sexual abuse.

7.Therefore, this Court is of the view that the petitioner has not made out a case for getting bail.

8.Hence, this criminal original petition is dismissed.

sd/-
08/08/2019

/ TRUE COPY /

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

TO

- 1 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI,
MADURAI DISTRICT.
- 2 THE INSPECTOR OF POLICE,
CUMBUM SOUTH POLICE STATION,
THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11206 of 2019
Date :08/08/2019

KM/PN/SAR-II (21.08.2019) 2P 4C