

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.16945 of 2020

S.T.Vignesh

...Petitioner

Versus

State rep by,
The Inspector of Police,
D-3, Police Station, Podanur,
Coimbatore District.
(Crime No.1437 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1437 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Kalimuthu

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (CrI.Side)

ORDER

(This case has been heard through video conferencing)

The petitioner who was arrested and remanded to judicial custody on 10.09.2020 for the alleged offences publishable under Section 366 of Indian Penal Code and under Section 7 read with Section 8 of the Protection of Children from Sexual Offences Act, 2012 and under Section 9 of Prohibition of Child Marriage Act, in Crime No.1437 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner had kidnapped her minor daughter who is aged about 17 years and forcibly married her and also criminally intimidated her not to disclose the same. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner and the victim girl were fell in love with each other and the same was objected by the defacto complainant. Thereby, the victim girl on her own volition came out from her home and joined

the petitioner and they also got married at Palani. Therefore, a false complaint has been given against the petitioner as if, he kidnapped the victim girl. He would further submit that the petitioner has been suffering incarceration from 10.09.2020. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the specific overtact against the petitioner is that the petitioner had kidnapped the minor girl and forcibly married her before she attains majority. He would further submit that in this case investigation is at the preliminary stage and that the petitioner has not produced any certificate/proof to show that the victim is a major girl. Hence he vehemently opposed for grant of bail to the petitioner.

5. Heard the learned counsels and perused the materials placed on record.

6. Taking into consideration the nature of offence and the fact that petitioner has forcibly married the victim girl who is aged about 17 years, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this Criminal Original Petition is dismissed.

-sd/-

22/10/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
D-3 POLICE STATION, PODANUR,
COIMBATORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

CC to M/S. P.KALIMUTHU Advocate on payment of necessary charges

CRL OP.16945/2020

Date :22/10/2020