



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

Date : 10/11/2020

PRESENT

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.12596 of 2020

Durgaipandi

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Ettayapuram Police Station,
Tuticorin.
Crime No.271/2020.

... Respondent/Complainant

For Petitioner : Mr.M.Murugesan,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For an Anticipatory Bail in Crime No.271 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under section 9 of Child Marriage Act, 2006, in Crime No.271 of 2020 on the file of the respondent police, seeks anticipatory bail.

3.The learned Government Advocate(Crl.side) appearing for the State made a submission that the petitioner, who is aged about 27 years as per the petition, illegally married the victim girl, who was aged about 14 years at the time of marriage.

4.However, the Sub-Inspector of Police, Ettayapuram Police Station, is present before this Court and informed that the girl is unaware of the implications and she is not capable of understanding the consequences of such child marriage. Further, the victim girl is



residing in the Government Home and studying in the School and now completed 10th standard. Further, the victim girl is pregnant as of now and the authorities in the Home are directed to provide adequate care and medical facility to the affected girl.

5. However, the case of the petitioner for grant of anticipatory bail cannot be considered, as the offence of child marriage was solemnized with knowledge and taking undue advantage of the family circumstances of the girl. It is brought to the notice of this Court that the mother of the girl was sick and they belong to poor family. Thus, undue advantage was taken by the accused for the purpose of solemnization of marriage with the minor girl, aged about 14 years. Thus, the petitioner at this point of time cannot be granted anticipatory bail and the investigations are going on, the respondent police is directed to intensify the investigation and proceed with the case in accordance with law.

6. With the above observations, this Criminal Original Petition stands dismissed.

sd/-
10/11/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE INSPECTOR OF POLICE,
ETTAYAPURAM POLICE STATION,
TUTICORIN.
2. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12596 of 2020
Date : 10/11/2020

NS
TK/VR/SAR.3/19.11.2020/2P/3C