



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10931 of 2021

WEB COPY

1. S.Thilagavathy
2. B.Revathi

... Petitioners

Vs.

The State represented by
The Inspector of Police,
AWPS Salem Town Police Station,
Salem.
(Crime No.42/2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail in the event of arrest or surrender concerned in Crime No.42/2021 on the file of the respondent police.

For Petitioners: Mr.S.Manoharan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 363, 366, 366A, 344 of IPC and 5(1), r/w 6 and 15 r/w 16 of POCSO 9 Act of Child Marriage Act in Crime No.42 of 2021 seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant had two daughters. The elder son-in-law of the defacto complainant had requested her for arrangement of her younger daughter's marriage with one Moorthy, she had refused. On 18.05.2021 at about 01.00 p.m her younger daughter left the home to purchase vegetables and thereafter she did not return home, pursuant to which, the defacto complainant searched for her daughter, but she was not able to trace her. Hence the complaint.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He



further submits that the victim girl (minor) and the petitioners' brother-in-law Moorthy had loved each other. The victim's girl's parents arranged marriage for her with some other bride-groom. So, the victim girl came from her house along with her elder sister one Ilaya Nila and got married with the said Moorthy on 18.05.2021. Thereafter, they came to the petitioners' house and asked for shelter as the victim girl's parents have been threatening them, hence they provided shelter for them. He submitted that the petitioners are innocent and they are nothing to do with the offence. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that a 'girl missing case' was registered against the petitioners. He would further submit that the victim is a minor girl aged about 16 years and a statement has also been recorded u/s 164 Cr.P.C. from the victim girl.

5. Heard both sides and perused the records including 164 statement recorded from the victim girl.

6. On perusal of the statement recorded from the victim girl u/s 164 Cr.P.C., it is seen that the petitioners compelled the victim girl, who is a minor to marry Al/Moorthy. Considering the facts and circumstances of the case and the petitioners herein having compelled the minor victim girl, aged 16 years to marry Moorthy and had performed her marriage with the said Moorthy, this Court is not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original petition is dismissed.

-sd/-

07/07/2021

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 ADDITIONAL MAHILA COURT,
SALEM

2 THE INSPECTOR OF POLICE,
AWPS SALEM TOWN POLICE STATION,
SALEM.



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.10931/2021

Date :07/07/2021

RVR 19/07/2021