



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.07.2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.5415 of 2021

1.Manivel
2.Parvathi
3.Chinnakalai
4.Nagaraj

... Petitioners/Accused No.1 to 4

Vs

The State Represented by,
The Inspector of Police,
Guzilamparai Police Station,
Dindigul District.
Crime No.108 of 2021

... Respondent/Complainant

For Petitioners : Mr.R.Maheswaran, Advocate
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl. Side)

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

PRAYER :- For Anticipatory Bail in Crime No.108 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 366(A) and 109 of IPC and Sections 9 and 11 of Prohibition of Child Marriage Act, 2006 in Crime No.108 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the father of the victim girl Sandhya and the victim girl was aged 14 years. Sandhya was found missing from home on 25.03.2021. Hence, originally this case was registered as girl missing. Thereafter, during the course of preliminary investigation, this case was altered to Sections 366(A) and 109 of IPC and Sections 9 and 11 of Prohibition of Child Marriage Act, 2006. It is seen from the alteration report that the first accused Manivel lured the victim girl saying that he wanted to marry her, took her in two wheeler and dropped her in the house of Parvathi. On 26.03.2021, at about 02.00 am, Sandhya was forced to marry Chinnakalai. Hence, this case is altered to the above said Sections.



3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. Therefore, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) opposed this petition on the ground that investigation is still pending. He further submitted that it is a case where, a young girl aged 14 years was forced to marry a person aged 35 years and seeks dismissal of this petition.

5. From the narration of facts, it is clear that the first accused Manivel under the promise of marrying the victim girl, aged 14 years, took her and facilitated the marriage between the third accused, Chinnakkalai and the victim girl. The allegation against the second and fourth petitioners is that they also facilitated and helped in performing this marriage. It is a case of child marriage followed by sexual abuse of 14 years old girl by 35 years old man. This is a serious offence. Investigation is not completed. Therefore, this Court is of the considered view that custodial interrogation of the petitioners/accused is necessary and this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is dismissed.

sd/-

08/07/2021

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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,
GUZILAMPARAI POLICE STATION
DINDIGUL DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.5415 of 2021
Date :08/07/2021