



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

Date : 28/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.7433 of 2021

Natarajan

... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Sivagangai.
Sivagangai District.
Crime No.65/2021.

... Respondent/Complainant

For Petitioner : Mr.B.Santhanam Rajesh Kumar.B,
Advocate.

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

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

PRAYER :-

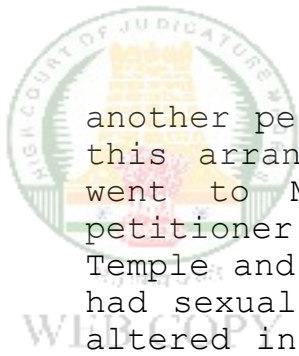
For Anticipatory Bail in crime No.65/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Girl Missing case @ Sections 366(A) of IPC & Sections 5(1) and 6 of POCSO Act, and Section 9 of the Child Marriage Act, 2006 in Crime No.65 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that victim girl Kavitha was aged about 15 years and she was studying 10th standard. On 23.02.2021, she did not return from school. Therefore, the defacto complainant, victim's mother gave a complaint. Originally, this case was registered as Girl Missing case. Subsequently, this case was altered into Sections 366(A) of IPC & Sections 5(1) and 6 of POCSO Act, and Section 9 of the Child Marriage Act, 2006.

3.The allegation against the petitioner is that the petitioner and the victim girl were in love with each other. When the defacto complainant made arrangements for marrying the victim girl with



another person, the victim girl informed petitioner Natarajan about this arrangement. Then, she left from her home on 23.02.2021 and went to Manamadurai. From there, she was picked up by the petitioner. On 24.02.2021, the petitioner married her at Vinayagar Temple and stayed in the house of his aunt. During that period, he had sexual relationship with her. Therefore, this case came to be altered into Sections 366(A) of IPC & Sections 5(1) and 6 of POCSO Act, and Section 9 of the Child Marriage Act, 2006.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that there is no incriminating statement against the petitioner, when the statement was recorded under Section 164 of Cr.P.C. But, only when the police recorded her statement under Section 161 (3) of Cr.P.C., some incriminating statement was recorded against the accused at the instance of the police. Therefore, the defacto complainant and the victim girl had sent a complaint to the higher police authorities on 30.04.2021. He has also produced a copy of this complaint.

4.This complaint shows that the statement of the victim was secured as per the dictates of the police officials. When this complaint was brought to the notice of the learned Government Advocate, this Court has given time for his reply.

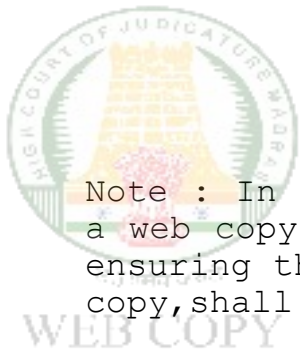
5.The learned Government Advocate submitted, on instructions, that the petitioner and his men were sending these kind of false representations to the higher police officials. During enquiry, the defacto complainant informed that she had sent the complaint to the higher police officials only at the instance of the petitioner and his men only to save the marriage between victim and the petitioner. She was told that only if she sends the complaint against police, the marriage between the victim and the petitioner would be saved. Therefore, the defacto complainant had sent a complaint against the police officials as dictated by the petitioner. The letter dated 18.06.2021 by the defacto complainant is also produced.

6.Considering all these facts and materials produced, the fact that this is a case registered under the POCSO Act and Child Marriage Act and the fact that the custodial interrogation of the petitioner is also necessary for conducting medical examination and other investigation, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, this petition is dismissed.

sd/-
28/06/2021

/ TRUE COPY /

/ /2021
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,
ALL WOMEN POLICE STATION,
SIVAGANGAI.
- 2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7433 of 2021
Date :28/06/2021

sm
PK/JC/SAR-II/05.07.2021 : 3P/3C