



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

Date : 23/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8179 of 2021

1.Annadurai ... 1st Petitioner/Accused No.2
2.Valarmathi ... 2nd Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Paramakudi, Ramanathapuram District.
Crime No.7 of 2021. ... Respondent/Complainant

For Petitioners : Mr.D.Sasikumar, 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.7 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 9 and 10 of the Prohibition of Child Marriage Act, 2006 and Sections 5(1) and 6 of the Protection of Child from Sexual Offences Act, 2012 in Crime No.7 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant was compelled to marry the first accused, who is aged about 35 years old. The petitioners are the parents of the first accused and they said to have facilitated the marriage between the defacto complainant and the first accused. Age of the defacto complainant is 17 years old. It is alleged that the first accused had sexual intercourse with the defacto complainant against her willingness. Therefore, this case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners



are noway connected with the marriage between the defacto complainant and the first accused.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that accused are absconding and this case was registered only on 16.06.2021 and the investigation is in preliminary stage.

5.The fact remains that the first accused is aged about 35 years and the victim girl is aged about 17 years. There is nearly 16 years gap between the age of the defacto complainant and the first accused. The first accused with the help of other accused forcibly and illegally facilitated the marriage with the defacto complainant and he had sexual intercourse with her.

5.Taking note of the fact that the first accused with the help of other accused forcibly and illegally facilitated the marriage with the defacto complainant and he had sexual intercourse with her, the fact that this case was registered only on 16.06.2021 and the fact that the investigation is in preliminary stage, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this criminal original petition is dismissed.

sd/-
23/06/2021

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/ /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,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.

2.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

ORDER
IN
CRL OP(MD) No.8179 of 2021
Date :23/06/2021

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<https://hccr.csr.gov.in/hccr/cr> 2021/2P/3C