



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

Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15915 of 2021

Udhaya Kumar

... Petitioner/1st Accused

Vs

The Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
(Cr.No.264 of 2021).

... Respondent/Complainant

For Petitioner : Mr.S.Vidhya Sagar,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

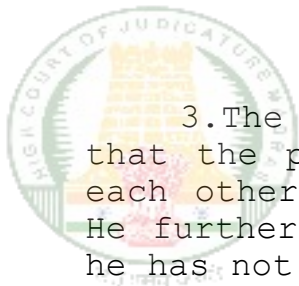
PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

PRAYER : For Anticipatory Bail in Crime No. 264 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 5(1), 6 of POCSO Act and Section 9 & 10 of Child Marriage Act 2005, in Crime No.264 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A2 is the mother of the victim girl. A3 is the father and A4 is the aunt of the victim girl and mother of A1. The complaint itself has been lodged at the instance of the defacto complainant, when she was induced by the Doctors at the time of delivery that she was underage and had delivered a male child on 28.07.2021. According to the victim girl, the petitioner is her uncle's son and neighbour. They moved closely and had physical relationship, on account of which, she became pregnant. On knowing this, the accused Nos.2 to 4 in order to avoid any further complication, had arranged marriage for the victim girl with the petitioner.



3.The learned counsel appearing for the petitioner submitted that the petitioner and the defacto complainant fell in love with each other, due to which, the defacto complainant became pregnant. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor, appearing for the respondent police submitted that the victim girl is aged about 15 years. The marriage between the victim girl and the petitioner was performed in the presence of A2 to A4. Hence, his custodial interrogation is necessary.

5.considering the facts and circumstances of the case and also considering the rival submission and gravity of offence, this Court is not inclined to grant anticipatory bail to the petitioner.

6.In the result, this Criminal Original Petition stands dismissed.

sd/-
12/10/2021

/ 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,
PARAMAKUDI TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15915 of 2021
Date :12/10/2021

VSD/CSM
MS/VR/SAR-3/20.10.2021/2P.3C