



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/01/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.15764 of 2020

Murugan

... Petitioner/Sole Accused

Vs

State Rep. by
The Sub Inspector of Police,
All Women Police Station,
Melur, Madurai District.
[Crime No.20 of 2020]

... Respondent/Complainant

For Petitioner : M/s.Karthikeyan.R,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

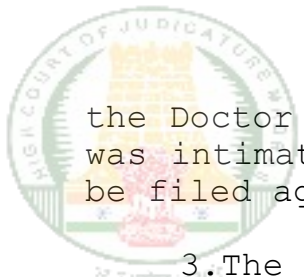
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.20 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 5(1), 5(j)(ii) and 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 9 of the Prohibition of Child Marriage Act, 2006 I.P.C., in Crime No.20 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The gist of the case is that the petitioner an agricultural coolie and he and the victim girl had love affairs between them. The parents of the victim girl did not accept the same and therefore, the victim had voluntarily joined the petitioner and later it has been accepted by both families and now the victim girl is 9 months pregnant. During the pregnancy the victim girl had developed some health issues and therefore, she approached the Government Rajaji Hospital for treatment and at that time, she was enquired by



the Doctor and it was found that the victim was a minor and the same was intimated to the respondent Police and as such the case came to be filed against the petitioner.

3.The petitioner submits that the petitioner is an agricultural coolie and he and the victim girl got married. The victim girl is aged about 18 years. The parents of the victim girl, who are illiterate, had not registered her birth. Hence, in the school certificate, the school authorities on their own recorded the date of birth the victim and therefore, the date of birth mentioned in her school certificate, is not correct and that the victim girl is a major. Further, both their families have now accepted the marriage and they are living happily. The victim is now 9 months pregnant. The Doctors during the treatment found that she was in need of blood and she was advised to get transfusion of blood and subsequently, the case came to be registered. Further the petitioner is an agricultural coolie and recently, he had a fall from a tree and got fractured his leg and he is bedridden and the entire case proceeds on a wrongful presumption.

4.The learned Government Advocate (Crl Side) submitted that an information was received from the Government Rajaji Hospital that the victim girl, who is pregnant is a minor and therefore, the case came to be registered. It is found that the victim and the petitioner got married against the wishes of their parents. However, later both their parents accepted their marriage and now the victim is nine months pregnant. The investigation commenced, the victim was produced before the learned Judicial Magistrate and her statement has also been recorded.

5.Considering the submissions made on either side and the 164 statement of the victim girl, it is seen that the victim girl is now at an advanced stage of pregnancy and recently she had gone to the Government Rajaji Hospital, Madurai to get the blood transfused and at that time she had mentioned her age and it is found that she was a minor by the Doctors. Further, the parents of the victim are illiterate and they did not register the birth of the victim. However, the school authorities had on their own, entered the date of birth of the victim in the school records. Further it is also to be noted that the victim had not made any sort of complaint and at present, both the petitioner and the victim are leading a happy and peaceful life as husband and wife and the petitioner is also bedridden due to fall from a tree.

6.In the view of the above, I am inclined to grant anticipatory bail to the petitioners.

(a)Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance before the learned Judicial Magistrate (Mahila Court), Madurai and on his

<https://hccservices.tn.gov.in/hccservices/> for a sum of Rs.10,000/- (Rupees Ten thousand only)



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

+1. CC to M/S.KARTHIKEYAN.R, Advocate SR.No.210

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ORDER

IN

CRL OP(MD) No.15764 of 2020

Date :07/01/2021

DSK

JM/VR/SAR III/18.01.2021/4P/6C