



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.19394 of 2021

Vignesh ... Petitioner/Accused

Vs

State rep.by

The Inspector of Police,
All Women Police Station,
Sivakasi,
Virudhunagar District.
(Crime No.11/2021).

... Respondent/Complainant

For Petitioner : M/s.Thirunavukkarasu.M., Advocate.

For Respondent : M/s.SS.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.11/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under section 9 of Prohibition of Child Marriage Act, 2006, in Crime No.11 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on the basis of the complaint given by the defacto complainant/victim through Child Line that the victim girl aged about 16 years got married to the petitioner herein, on 07.08.2006, a case has been registered.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.



4.It is seen that the marriage between the petitioner and the victim took place on 07.08.2006. On information, complaint has been lodged by the Social Welfare Officer, a case has been registered. According to him, he was informed about the age of the victim girl by one of the villager. Only on getting that information, he went to the residence of the victim girl. On enquiry, the victim stated that she was married to one Vignesh, who is the petitioner herein, marriage was performed in Balamurugan Temple. When this was informed to the police, all the persons of her family members fled away from the house.

5.The learned counsel for the petitioner would submit that at the time of marriage, she was aged about 19 and it was arranged one.

6.But, however, the learned Government Advocate (Crl.Side) would submit that it has been mentioned in the FIR that she was aged about 16+ at the time of alleged marriage.

7.But, whatever it may be, whether it was 19 at the time of marriage or 16+ is a matter for investigation and the Investigating Officer is directed to verify the date of birth of the victim.

8.Even though, bail application that has been filed by the petitioner before the Principal District and Sessions Judge, Virudhunagar District at Srivilliputtur, in Crl.MP.No.2648 of 2021, was dismissed on the above said ground, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9.Accordingly, the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Sivakasi, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C scrupulously.

10.Let the petitioner produce all the documents, which are available to him with regard to the age of the victim before the Investigating Officer. Similarly the Investigating Officer also collect the materials about the age of the victim.

Sd/-

08/12/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.II)
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 JUDICIAL MAGISTRATE NO.I,
SIVAKASI.
 2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT.
 3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIVAKASI,
VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC TO M/S. THIRUNAVUKKARASU.M. ADVOCATE SR.NO.8992

ORDER
IN
CRL OP(MD) No.19394 of 2021
Date :08/12/2021

SP/JC/SAR II/14/12/2021/3P/6C