



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/01/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.269 of 2022

J.Kumaresan

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
(Crime No.19 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Neelakandan V, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.19 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 9 and 10 of Prohibition of Child Marriage Act 2006 and Section 6 of POCSO Act, 2012, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused convinced the defacto complainant's mother and arranged marriage between the petitioner and the defacto complainant and sexual relationship with the defacto complainant against her wish. At the time of marriage, the defacto complainant is aged about 16 years and the other accused have demanded more dowry from her parents. Hence, the complaint.



3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that even the first marriage was performed as mentioned in the F.I.R and on 16.03.2021, there was an agreement between the parties, by which, they mutually separated and after that, she performed second marriage and photograph was also enclosed.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that on the date of marriage, the victim girl was minor and prayed the petition to be dismissed.

5. According to the learned counsel for the petitioner, the complaint has been given on 24.10.2021 and the second marriage has held on 31.03.2021.

6. Considering the facts and circumstances of the case and considering the fact that there was an agreement between the parties, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Fast Track Mahila Court, Theni, on condition that the petitioner shall execute a 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 Magistrate concerned and the petitioner shall appear 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.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
12/01/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.I)
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 JUDGE,
FAST TRACK MAHILA COURT,
THENI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTHAMAPALAYAM,
THENI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.A.KARTHIK Advocate SR.No.315

ORDER
IN
CRL OP(MD) No.269 of 2022
Date :12/01/2022

SP/PA/SAR I/03/02/2022/3P/5C