



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)
Dated: 03/02/2022

WEB COPY

PRESENT
The Hon'ble Mr.Justice G.ILANGO VAN

Crl.OP(MD)No.549 of 2022

Nagaraj

... Petitioner/Accused A1

Vs.

State rep.by
The Inspector of Police,
All Women Police Station,
Theni District.
(Crime No.36 of 2021)

... Respondent/Complainant

For Petitioner : M/s.A.Mithun Chakravarthi, Advocate

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

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

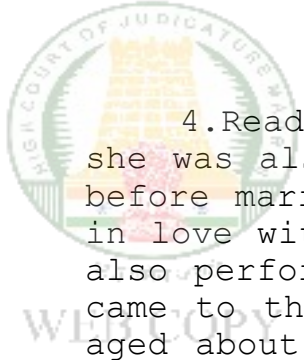
PRAYER :-

For Anticipatory Bail in Crime No.36 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 9, 11 of Prohibition of Child Marriage Act, 2006 and under Section 6 of Protection of Child from Sexual Offence Act, 2012, in Crime No.36 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that this petitioner/A1 and the victim girl were fell in love and initially families on both parties, opposed for marriage and later, with the consent of both families, the marriage was performed and subsequently, after the death of the father of the victim girl, this petitioner/A1 left the victim girl since their marriage was a child marriage So based on the complaint given by the victim girl, this case has been registered.



4. Reading of the complaint given by the victim girl shows that she was also not aware of the legal position that it is an offence before marrying 18 years of age. Without knowing the same, she fell in love with this petitioner and under compulsion, the marriage was also performed without the consent of this petitioner and later it came to the notice of this petitioner that the victim girl is not aged about 18 years, he left her. When the alleged occurrence was known to the Child Welfare Committee, they made an enquiry. Only based upon that, the case has been registered. It is unfortunate to note that the petitioner fell in love and married the victim girl under compulsion without knowing the fact that the victim girl did not attain majority on the date of the alleged marriage.

5. The entire CD file is also perused, which shows that the date of birth of the victim girl is 29/06/2006. On the date of alleged marriage, it appears that she has not attained even 18 years of age. Later the victim girl was pageant, because of the above marriage.

6. So considering the above facts and circumstances of this case, this petitioner is entitled for anticipatory bail, since major portion of the investigation has already over. Even as per the prosecution case, it is admitted that this petitioner was married the victim girl without knowing the real age of the victim girl.

7. In view of the above facts and circumstances of this case, **anticipatory bail is granted** to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Sessions Judge, Fast Track Mahila Court, Theni, and on his executing 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 Judge concerned and the petitioner shall appear before the respondent police once in 15 days at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. 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 will stand dismissed.

Sd/-
03/02/2022

/ 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 SESSIONS JUDGE,
FAST TRACK MAHILA COURT,
THENI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THENI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.549 of 2022

Date :03/02/2022

SP/JM/SAR I/09/02/2022/3P/4C