



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/06/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.4437 of 2022

K.Kalidoss

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Othakadai Police Station,
Madurai District.
Cr.No. 660 of 2021.

... Respondent/Complainant

Subbaiah

... Petitioner/Intervenor/
Defacto Complainant
In CrI.MP(MD).4185/2022 in
CrI.OP(MD).4437/2022

For Petitioner : M/s.SUDALAIYANDI.K,
Advocate.

For Respondent : Mr.R.M.ANBUNITHI,
Government Advocate (CrI.Side)

For Intervenor : Mr.K.PANDIYARAJAN, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No.660 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9, 10 of Child Marriage Act r/w Section 5(m)(1) and 6 of Protection of Child From Sexual Offences Act, 2012, in Crime No.660 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the father of the victim girl and the victim girl is studying 1st year B.Sc at Madurai Meenatchi College. On 18.12.2021, she went to the college at about 08.00 a.m., from her home, thereafter, she did not return. Hence, the defacto complainant gave a complaint before the respondent police and the respondent police registered a case in Crime No.660 of 2021. During the course of investigation, the defacto complainant filed HCP before this Court and the Victim girl as well as the petitioner were produced before the concerned Court.



3.The learned counsel appearing for the petitioner would submit that there was love affair between the petitioner and the defacto complainant's daughter. Since it was objected by the defacto complainant, the Victim girl eloped with the petitioner.

4. The learned Additional Public Prosecutor would submit that at the time of occurrence, the victim girl is aged about 17 years 11 months. The statement was recorded under Section 164 Cr.P.C from the victim girl, wherein it is stated that the petitioner has taken the victim girl to various places and later on 22.12.2021 they married themselves.

5.The learned counsel for the intervenor submitted that 25 days, the victim girl is under the custody of the petitioner and also submitted that at the time of occurrence, the victim girl did not attain majority. Therefore, this Court may dismiss the anticipatory bail petition filed by the petitioner.

6. On perusal of records, it appears that at the time of occurrence, the victim girl is aged about 17 years 11 months

7.Considering the facts and circumstances of the case and the nature of allegation levelled against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Judicial Magistrate Court, Melur, 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 Magistrate concerned; and the petitioner shall appear before the respondent police on every Saturday at 10.30 am until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

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

10.The petitioner is directed to co-operate with the process of investigation and trial. The question of custodial interrogation may not arise, during the course of investigation. If custodial interrogation is necessary, liberty is granted to the respondent police subject the petitioner under the custodial interrogation by giving intimation to the concerned Court.

Sd/-

29/06/2022

/ TRUE COPY /

/07/2022

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 JUDICIAL MAGISTRATE
MELUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SUDALAIYANDI.K Advocate SR.No.6321

**ORDER
IN**

CRL OP(MD) No.4437 of 2022
Date :29/06/2022

SA/PN/SAR.2/19.07.2022/3P/6C