



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.4731 of 2022

A.Muthukrishnan

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Theni,
Theni District.
Cr.No. 33 of 2021.

... Respondent/Complainant

For Petitioner : M/s.PRAGALATHAN.N,
Advocate.

For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor

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

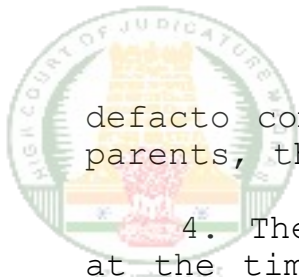
PRAYER :- For Anticipatory Bail in Crime No.33 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9, 10, 11 of Prohibition of Child Marriage Act 2006 and 6 of POCSO Act, in Crime No.33 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the victim girl was aged about 17 years. The petitioner got married the defacto complainant/victim girl at Perumal Temple, Vadipatti in the presence of the parents of the petitioner and defacto complainant. After their marriage, they went to Karnataka and started their matrimonial life. Since the marriage was prohibited under the Prohibition of Child Marriage Act, the Child Welfare Officer of Karnataka informed the same to the Child Welfare Officer of Theni. On the advice of the Child Welfare Officer, Theni, the defacto complainant gave a complaint before the respondent police and registered the case.

3.The learned counsel appearing for the petitioner would submit that there was a love affair between the petitioner and the defacto complainant. He would further submit that the petitioner and the



defacto complainant are close relative and in the presence of the parents, the marriage was performed.

4. The learned Additional Public Prosecutor would submit that at the time of occurrence, the victim girl is aged about 17+. The statement was recorded under Section 164 Cr.P.C from the victim girl, wherein it is stated that after attaining majority, she is ready to live with the petitioner. He would further submit that major part of the investigation is over.

5. On perusal of records, it appears that at the time of occurrence, the victim girl is aged about 17+ and major part of the investigation is over.

6. Considering the facts and circumstances of the case and the nature of allegation levelled against this petitioner and most of the investigation might have been over, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the Mahalir Neethimandram, 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 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.

8. 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.

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

+1. CC to M/S.PRAGALATHAN N Advocate SR.No.6347

ORDER

IN

CRL OP(MD) No.4731 of 2022

Date :29/06/2022

SA/VR/SAR.3/19.07.2022/3P/5C