



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVA

CRL OP(MD). No.10626 of 2022

S.Pechimuthu

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Alangulam Police Station,
Tenkasi District.
Crime.No.16 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Saravana Kumar C,
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.16 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 6, 5(1)(j)(ii) of Protection of Child From Sexual Offences Act, 2012, Section 9 of Prohibition of Child Marriage Act, 2006, in Crime No.16 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the victim girl is aged about 17 years. When the victim girl was admitted in the Government Medical College Hospital, Tirunelveli, for delivery, the hospital authorities found that she is aged below 18 and case has been registered against the petitioner. On enquiry, it was found that the petitioner and the victim girl loved each other for about 3 years and the parents were not agreed. So, marriage was performed by themselves on 16.06.2021, at about 11.00 a.m. Thereafter, the victim girl got pregnancy.



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 a child was born to the victim girl. As per Jathagam, she was attained majority. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that 164 statement also recorded from the victim girl. Wherein, she has implicated nothing against the petitioner. She has simply stated that because of the objection made by the parents, they married secretly.

5. Considering the facts and circumstances of the case and also considering the fact that the custodial interrogation of the petitioner may not be required because, it is the admitted fact that the petitioner is only reason for her pregnancy, hence, 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 Sessions Judge, (Special Court for POCSO Act Cases), Tirunelveli, 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/-
23/06/2022

/ TRUE COPY /

/ /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 SESSIONS JUDGE,
(SPECIAL COURT FOR POCSO ACT CASES),
TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ALANGULAM POLICE STATION,
TENKASI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.SARAVANAKUMAR, Advocate (SR-6068[I] dated
24/06/2022)

ORDER
IN
CRL OP(MD) No.10626 of 2022
Date :23/06/2022

dss
USK/PN/SAR-I/29.06.2022/3P/5C