



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/07/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.10717 of 2022

K.Alexpandi

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Lalapettai Police Station,
Karur District.
(Crime No. 244 of 2022).

... Respondent/Complainant

For Petitioner : Mr.Suresh M, Advocate.

For Respondent : Mr.R.M.Anbunithi,

Additional Public Prosecutor(Crl.side)

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

PRAYER :- For Anticipatory Bail in Crime No. 244 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 9 and 10 of Prohibition of Child Marriage Act and Section 5 (1) and 6 of POCSO Act in Crime No.244 of 2022 on the file of the respondent police.

2.The case of the prosecution in brief is as follows:-

3.The defacto complainant lodged a complaint stating that she was studying 10th std., in Sanapratti Government Higher Secondary School. After completing her 10th std., she was in the house. She wanted to marry the accused, namely Alexpandi. With the aforesaid intention, she continued to stay in the house. The grandparents promised her to marry her with the accused, after attaining the age of majority.

4.Hearing that the accused may marry some other girl, she threatened him to marry her, unless she will commit suicide. So, on 18.05.2021, in the Pitari Amman Kovil, Mettumahathanapuram, without the knowledge of others, they performed marriage. Now, she became 7 month old pregnant. When she was admitted in the hospital, noting that she was a minor at the time of marriage, information was sent to the Child Welfare Committee, based upon which, the case has been registered.



5. Seeking anticipatory bail, this petition came to be by the petitioner. During the course of hearings, the petitioner was directed to undergo medical test, in pursuance of which he also undergone medical test.

6. Now, the learned counsel for the petitioner would submit that only because of the threat that was made by the victim girl, without no other option, the petitioner alleged to have married the victim girl. So, it was not his positive act of committing the crime of marrying the minor girl.

7. No doubt that the victim is aged about 16 plus at the time of the alleged marriage and now she became pregnant, because of the relationship between her and the petitioner. In such circumstances, when the petitioner himself admits that he is the father of the child, no more custodial interrogation is not required. So, on that ground, this Court is inclined to grant anticipatory bail to the petitioner.

8. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Sessions Judge, Mahila Court, (FTMS), Karur, 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.

9. 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 shall stand dismissed.

sd/-

25/07/2022

/ 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 SESSIONS JUDGE,
MAHILA COURT, (FTMC),
KARUR.

2 THE INSPECTOR OF POLICE,
LALAPETTAI POLICE STATION,
KARUR DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.10717 of 2022
Date :25/07/2022

SA/PN/SAR.1/28.07.2022/3P/4C