



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN
CRL OP(MD). No.10976 of 2022

WEB COPY

M.Iyyappan

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Nanguneri,
Tirunelveli District.
Cr.No.10/2022.

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan, Advocate.
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.10/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Section 9 of the Prohibition of Child Marriage Act, 2006 in Crime No.10 of 2022 on the file of the respondent police.

2.The case of the prosecution is that on information, the defacto complainant went to the house of the victim girl as well as the accused on 04.06.2022 at about 11.30 am. On enquiry, it was revealed that the victim girl, who is aged about 17 years, was married to this petitioner on 03.06.2022. So, on the basis of the aforesaid complaint, the case has been registered.

3.Now the case of the petitioner is that the victim girl is aged about nearly 18 at the time of occurrence and they were in love with each other and marriage was also performed without the consent of the parents on 03.06.2022. When that was brought to the notice of her parents, she was scolded and later, there was compromise.

4.Reading of the 164 statement of the victim girl shows that the marriage that took place was admitted by her. She also stated that she was in love with this petitioner and she only pressurized the accused to marry her.



5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that finding that the victim girl is a minor, she was taken to the parental home and now, she is living with her parents.

6.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

7.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 Judicial Magistrate Court, Nanguneri, Tirunelveli District, 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.

8.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 /

/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, NANGUNERI, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, NANGUNERI, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-6203[I] dated 27/06/2022)

ORDER IN

CRL OP(MD) No.10976 of 2022

Date :23/06/2022

RS/PN/SAR.1 (07.07.2022) 2P-6C

<https://hcservices.ecourts.gov.in/hcservices/>