



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12027 of 2022

WEB COPY

Parthasarathiraj

... Petitioner/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
Crime No.271 of 2022.

... Respondent/Complainant

For Petitioner : Mr.C.Susikumar, 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.271 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Section 9, 11 of Prohibition of Child Marriage Act and 5 (1), 5(n), 5(i)(ii) and 6 of Prohibition of Child from Sexual Offences Act, in Crime No.271 of 2022 on the file of the respondent police.

2.The case of the prosecution is that the defacto complainant gave a statement to the effect that her father, namely Balamurugan died in the year 2016 and her mother also eloped with some other person in 2017. She was taken care by her grandmother and also attended the Court. At that time, she became acquainted with the accused person and fell in love.

3.On the promise that was made by the accused person, she went along with him and was subjected to sexual intercourse and later, a baby child was also born to them. On the basis of the aforesaid statement, the case has been registered, when she was admitted in the hospital by noting that she was below the age of 18.

4.Now, seeking anticipatory bail, this petition has been filed and the victim girl was also present before this Court on the earlier hearing and has submitted that because of her loss of father and mother, she was taken care by her grandmother and because of the



aforesaid situation only, she fell in love with the petitioner, got married and a baby child was also born. Now, she has been taking care by the petitioner. On that basis, the petitioner was directed to file an undertaking affidavit and the affidavit is also filed stating that the petitioner will take care of the victim girl as well as the child without any trouble. The respondent is also present before this Court.

5. In view of the aforesaid undertaking, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 Fast Track Mahila Court (Magisterial level), Dindigul, 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. If any violation is noticed, then the anticipatory bail that has been granted by this Court in this petition will stand automatically cancelled without further reference to this Court.

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 shall stand dismissed.

sd/-

18/08/2022

/ TRUE COPY /

/09/2022

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 FAST TRACK MAHIAL COURT, (MAGISTERIAL LEVEL), DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.



3 THE INSPECTOR OF POLICE, DINDIGUL TALUK POLICE STATION,
DINDIGUL DISTRICT.

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

WEB COPY

ORDER

IN

CRL OP(MD) No.12027 of 2022

Date :18/08/2022

MM

RS/PN/SAR.2 (05.09.2022) 3P-5C