



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

Date : 14/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12710 of 2022

Ashokdharma

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
All Women Police Station, Melur,
Madurai District.
Crime No.18 of 2022.

... Respondent/Complainant

For Petitioner : Mr.ARUN.A.V., Advocate.

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.18 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 5(1), 5(j)(ii) r/w 6 of Protection of Children from Sexual Offences Act and Sections 9 and 10 of Prohibition of Child Marriage Act in Crime No.18 of 2022, on the file of the respondent police.

2.The case of the prosecution is that the victim was aged about 17 and she was admitted in the hospital for delivery. On intimation, the defacto complainant, who is the Rural Welfare Officer, Melur visited the Government hospital and recorded the statement of the victim girl and made an enquiry.

3.On enquiry, the victim girl has stated that when she was studying 10th std, due to the family problem and circumstances, she was married to the 1st accused on 03.03.2021 in the presence of the parents and elders. After that, they were living together, she became pregnant and she was admitted in the hospital.

4.Noting that on the date of the alleged marriage, she was a minor, the case has been registered. During the course of investigation, the statement of the victim girl has been recorded and in the statement, she has stated that she was in love with the 1st accused and later, with the consent of both side family, marriage was performed. They started living together and later, she became pregnant. Now, she has delivered a boy baby.



5.The learned Additional Public Prosecutor (Crl.side) the respondent submits that on the date of the alleged marriage, the victim was aged about 17. He would further submit that the investigation is still pending.

6.In the light of the statement of the victim girl and considering the fact that the petitioner has been arrested and remanded to judicial custody on 04.06.2022, this Court is inclined to grant bail to the petitioner with stringent conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 Judicial Magistrate, Melur, Madurai District, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

14/07/2022

/ TRUE COPY /

14/07/2022

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, MELUR, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, MELUR, MADURAI DISTRICT.

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

+1. CC to MS.ARUN.A.V., Advocate SR.No.7089

ORDER IN

CRL OP(MD) No.12710 of 2022
Date :14/07/2022

SA/VR/SAR.3/14.07.2022/2P/7C

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