



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

Date : 28/07/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.13638 of 2022

Gopal

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Kulithalai,
Karur District.
Crime.No.12/2022.

... Respondent/Complainant

For Petitioner : Mr.Sivabalan.K,
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.12 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Section 9 and 10 of Prohibition of Child Marriage Act, 2006 and Sections 5(1), 5(n) and 6 of Protection of Child from Sexual Offences Act, 2012, in Crime No.12 of 2022 on the file of the respondent police.

2.The case of the prosecution is that the Social Welfare Officer, lodged a complaint stating that she received an information on 06.04.2022 with regard to the marriage that was performed between the victim girl and the 1st accused at about 04.00 am,, in Kadavur Murugan Temple at Karur, in which all the relatives and the parents on both side were participated. It was brought to the notice of the Board by one of the members of the committee. So, she made a spot visit and found that the marriage, which was performed between the victim girl and the 1st accused, was found to be true.



3. Based upon the aforesaid complaint, the case is registered. The statement of the victim girl is also recorded, wherein she has simply stated that the marriage proposal was made and thereafter, it was dropped.

4. The learned Additional Public Prosecutor for the respondent would submit that now the victim girl is in the parental home.

5. Perusal of CD file shows that one Ramesh sent a complaint stating that the marriage was performed between the victim girl and the 1st accused in the aforesaid temple. Whether the marriage was actually took place is a matter for investigation and that can be verified with the temple authorities.

6. In the facts and circumstances of the case that there is no allegation of sexual assault or harassment, 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 learned Judicial Magistrate No.I, Kulithalai, Karur 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 shall stand dismissed.

sd/-
28/07/2022

/ TRUE COPY /

/08/2022
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 NO.I,
KULITHALAI, KARUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KULITHALAI, KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SIVABALAN, Advocate (SR-7877[I] dated 29/07/2022)

ORDER

IN

CRL OP(MD) No.13638 of 2022

Date :28/07/2022

mm

USK/VR/SAR-IV/08.08.2022/3P/6C