



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15464 of 2022

Prabhudhasan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station, Kulithalai,
Karur District.
(In Crime No.24/2022).

... Respondent/Complainant

For Petitioner : Mr.Maharaja.M,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor (Crl.side)

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

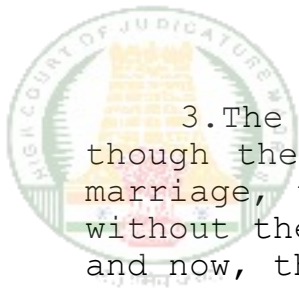
PRAYER :-

For Anticipatory Bail in Crime No.24/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Section 366 IPC, Section 9 of Prohibition of Child Marriage Act, 2006 and Sections 5(i), 5(j) (ii), 5(n) and 6 of POCSO Act, 2012 in Crime No.24 of 2022 on the file of the respondent police.

2.The case of the prosecution, as per the defacto complainant, who is the Social Welfare Officer, is that she received secret information to the effect that a bangle wearing ceremony is going to be conducted to the victim girl, who is under age, in the village. So, she went to the village and made an enquiry and during the course of enquiry, she was informed that the victim girl was under age at the time of marriage ie., on 26.08.2005. It was a love marriage between the accused and the victim girl, who was aged about only 16 plus at the time of marriage and because of the pregnancy, it has been informed.



3.The learned counsel for the petitioner would submit that though the victim girl was aged about only 16 plus at the time of marriage, there was love affair between herself and the accused and without the consent of both side parents, the marriage was performed and now, the child was also born.

WEB COPY

4.Since the marriage as well as the paternity is not disputed by the petitioner, no purpose is going to be served by subjecting the petitioner to custodial interrogation. So, on the sole ground, this Court is inclined to grant anticipatory bail to the petitioner.

5.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 Additional Sessions Judge (Fast Track Mahila Court), 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.

6.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/-

30/08/2022

/ TRUE COPY /

08/09/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

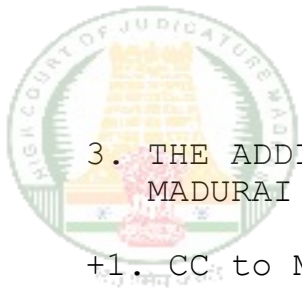
MM

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 ADDITIONAL SESSIONS JUDGE
(FAST TRACK MAHILA COURT), KARUR.

2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KULITHALAI,
KARUR DISTRICT.



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

+1. CC to M/S.MAHARAJA M Advocate SR.No.9319

WEB COPY

ORDER

IN

CRL OP(MD) No.15464 of 2022

Date :30/08/2022

RK/SVR/SAR-II (08/09/2022) 3P/5C