



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 28/03/2022  
PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD). No.18718 of 2021

Periya Marudhu

... Petitioner/Accused

**Vs**

The State rep.by  
The Inspector of Police,  
Alwarkurchi Police Station,  
Tenkasi District  
(Crime No. 287 of 2021).

... Respondent/Complainant

For Petitioner : Mr.P.PRABHAKARA PANIDAN, Advocate  
for Mr.R.ALAGUMANI, Advocate  
For Respondent : Mr.E.Antony Sahaya Prabahar,  
Additional Public Prosecutor

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

**PRAYER :-** For Anticipatory Bail in Crime No.287 of 2021 on the file of the respondent Police.

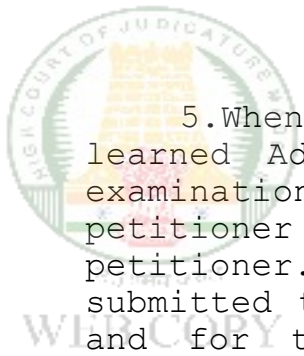
**ORDER :** The Court made the following order :-

The petitioner/Accused who apprehends arrest at the hands of the respondent police for the offences punishable under Section 366 IPC r/w 9 of the Prohibition of Child Marriage Act and Section 4 of the Protection of Children from Sexual Offences Act, 2012, in Cr.No.287 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has compelled the victim girl to marry him and he had also physical relationship with her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the victim girl is aged about 17 years 11 months and that they loved each other and they also got married.

4.The learned Additional Public Prosecutor would submit that as per the 12<sup>th</sup> certificate, the victim's date of birth is 05.04.2003. He would further submit that in the statement recorded under Section 164 of Cr.P.C. she has not stated anything regarding the petitioner.



5. When the matter was taken up for hearing on 14.02.2022, the learned Additional Public Prosecutor submitted that the medical examination of the victim girl was already over and that since the petitioner is absconding, the medical test is not yet taken for the petitioner. At that juncture, the learned counsel for the petitioner submitted that the petitioner is ready to undergo the medical test and for that purpose he is also ready to appear before the respondent police.

6. It is evident from the records that the above application for anticipatory bail has been filed on 24.04.2021 and the same is pending till now. As already pointed out, this Court has adjourned the matter, after regarding the submission made by the learned counsel for the petitioner that the petitioner is ready to undergo the medical test and at that time, it was represented that the respondent police, without having knowledge about the stage of the above petition and the reason for adjourning the matter, arrested the petitioner. Thereafter, the petitioner has filed an application for bail before the concerned Trial Court and the same is pending.

7. The learned Additional Public Prosecutor would submit that the learned Trial Judge, on the basis of the requisition submitted by the prosecution, has taken necessary steps for sending the petitioner to medical test and that the medical examination of the petitioner was over. He would further submit that since the present application for anticipatory bail is pending before this Court, the learned Trial Judge has expressed his inability to proceed with the bail application and that therefore, necessary direction may be given to the learned Trial Judge.

8. At this juncture, the learned counsel for the petitioner would submit that he may be permitted to withdraw the above application and the learned Trial Judge may be directed to pass orders in the bail application and he has also made an endorsement to that effect.

9. In view of the same, this Criminal Original Petition is dismissed as withdrawn. The learned Special Judge for POCSO Act Cases, Tirunelveli is directed to consider the bail application.

sd/-  
28/03/2022

/ TRUE COPY /

29/03/2022  
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 SPECIAL JUDGE FOR POCSO ACT CASES,  
TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE,  
ALWARKURCHI POLICE STATION,  
TENKASI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to M/S. ALAGUMANI.R. Advocate SR.No.2589

**ORDER**

**IN**

CRL OP(MD) No.18718 of 2021

Date :28/03/2022

SA/VR/SAR.2/29.03.2022/3P/5C