



WEB COPY

CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18845 of 2022

Balakrishnan

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Sanarpatti Police Station,
Dindigul District
(Crime No.247 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Jothivel N, Advocate

For Respondent : Mr.M.Muthumanikkam,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.247 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 9, 11 of Prohibition of Child Marriage Act, 2006 and Sections 5(l), 5(n), 5(j)(ii) & 6 of POCSO Act, 2012, in Crime No.247 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first accused married the victim, who was aged about 17 years and the marriage was performed by the other accused persons. The first accused had sexual relationship with the victim, in which, she got pregnant and delivered a male child. Hence, the complaint.

3. On the side of the petitioner, it is stated that the petitioner is innocent and had not committed any such offence, as alleged by the prosecution. The petitioner is the father of the victim. He only taking care of the victim and her child. A false case has been foisted against him. Hence, prays to release him on anticipatory bail.

<https://www.mca.gov.in/dis>



4. On the side of prosecution, it is stated that the age of the victim was only 17 years at the time of occurrence and the petitioner performed child marriage to the victim. The investigation is not yet completed. Statement under Section 164 Cr.P.C is not yet recorded from the victim. Hence, prays to dismiss the petition.

5. Considering the facts and circumstances of the case, nature serious allegations against the petitioner and the age of the victim and also considering the nascent stage of investigation, this Court is not inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition stands dismissed.

sd/-

20/10/2022

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/11/2022

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

PNM

TO

1. THE INSPECTOR OF POLICE,
SANARPATTI POLICE STATION,
DINDIGUL DISTRICT

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

ORDER

IN

CRL OP(MD) No.18845 of 2022

Date : 20/10/2022

RK/SSS/SAR-1 (01/11/2022) 2P/3C