



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

Date : 03/11/2022

PRESENT

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

CRL OP(MD). No.19437 of 2022

Selvam @ Arulselvam

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.
in Cr No.156/2022

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar C,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

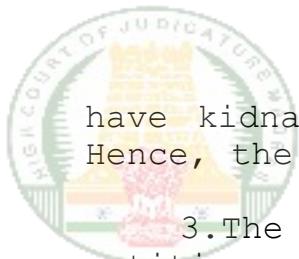
PRAYER :-

For Bail in Cr No.156/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 07.10.2022 for the offences punishable under Sections 5 (1), 6 of Protection of Children from Sexual Offences Act and Section 9, 10 of Prohibition of Child Marriage Act, in crime No.156 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the victim girl is aged about 15 years and studying 10th standard. The defacto complainant is the mother of the victim girl. The first accused fell in love with the victim girl. He along with his family members went to the aunt of the defacto complainant and asked her to marry the victim girl to him. Considering the age of the victim girl, she refused that proposal. In such circumstance, on 30.05.2022, at about 02.00 p.m, the defacto complainant was informed over phone that two persons



have kidnapped her daughter while she returning back from l. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner and the victim girl loved each other. When the same was came to the knowledge of the defacto complainant, she tried to marry the victim girl to some other person. In such circumstance, marriage proposal was made by the family of the first accused. But, the same was refused by her. Hence, the victim girl insisted the him to take her from home. Subsequently, they have eloped and secured. Except the allegation that the petitioner helped the elopement of the victim girl and the first accused, no other allegation has been made against him. Further, the petitioner is in judicial custody from 07.10.2022 and part of the investigation is completed. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) would submit that the victim girl is aged about 15 years. Very well known the age of the victim girl, the petitioner herein helped the first accused to take her to Mumbai. The investigation is yet to be completed. Hence, he strongly opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the age of the victim girl, this Court is not inclined to grant bail to the petitioner.

6.Accordingly, this Criminal Original Petition is dismissed.

sd/-
03/11/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

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 Inspector of Police,
Nanguneri Police Station, Tirunelveli District.



2. The Superintendent,
Central Prison, Palayamkottai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.19437 of 2022

Date :03/11/2022

SS/BUC/SAR II/14/11/2022/ 3P 4C