



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2022

PRESENT

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

CRL OP (MD) . No.20933 of 2022

1. Sivagurunathan
2. R.Sivanathan
3. Selvi
4. Umarani

... Petitioners/Accused
Nos.1, 2, 3 & 5

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai District.
(Crime No.26 of 2022)

... Respondent/Complainant

For Petitioners : M/s.Murugapandi P, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.26 of 2022 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 9, 10
of Prohibition of Child Marriage Act, 2006 and Section 5 (1), 6, 16,
17 of Protection of Children from Sexual Offences Act, 2012, in
Crime No.26 of 2022, seeks anticipatory bail.



2. The allegation against the petitioners is that on 23.01.2022, the first accused married the victim girl, who is aged about 15 years, with the help of the other accused. Hence, based on the complaint given by the Development Officer, Thirupparankundram, the present case has been registered against the petitioners.

3. The learned counsel appearing for the petitioner would submit that the petitioners and the victim family are close relatives and the victim parents compelled the first petitioner to marry the victim. Hence, on 23.01.2022, the betrothal function was conducted by the elders and when she attained major, they have decided to perform the marriage between the victim and first petitioner. Based on the false information given by some unknown person, this complaint has been registered against the petitioners. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

4. The learned Government Advocate (Criminal Side) would submit that the accused persons performed the marriage between the first petitioner and the victim girl, who is aged about 15 years. He would further submit that the first accused had forcibly physical relationship with the victim on several time. The medical examination of both the first petitioner as well as the victim girl was already over. Further, investigation is not yet completed. Hence, the opposed to grant anticipatory bail to the petitioners.

5. Considering the seriousness and gravity of the offence committed by the petitioners and also considering the age of the victim girl, the strong objection raised by the prosecution and the stage of the investigation, this Court is not inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
29/11/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp



1. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPPARANKUNDRAM,
MADURAI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.20933 of 2022
Date :29/11/2022

SP/SSS/SAR I/14/12/2022/3P/3C