



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/11/2022

PRESENT

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

CRL OP(MD) . No.21001 of 2022

Kathirvel ... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Nanguneri,
Tirunelveli District.
(Crime No.20 of 2022).

... Respondent/Complainant

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

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.20 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 26.10.2022 for the offences punishable under Section 366 of IPC and Section 9 of Prohibition of Child Marriage Act and Sections 7 and 8 of Protection of Children from Sexual Offence Act, 2012, in Crime No.20 of 2022 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 24.10.2022, victim girl was found missing from the defacto complainant's house. Therefore, the defacto complainant lodged the complaint before the respondent police. During the course of investigation, it reveals that the victim girl said to have eloped with the petitioner and both of them performed their marriage at Tuticorin and went to Chennai. Subsequently, the victim girl and the petitioner were secured.

3.The learned counsel for the petitioners would submit that the petitioner and the victim girl were loved each other and the same was came to the knowledge of the defacto complainant, he did not



accept the love with the petitioner. Thereby the victim girl contact the petitioner and insist him to take her from home. Subsequently, both the petitioner and the victim girl have eloped and performed their marriage. He would further submit that there is no penetrative sexual assault on the victim girl. The petitioner is an innocent and he did not commit any offence as alleged by the prosecution. Hence, he may be granted bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the age of the victim is 15 years and the statement of the victim girl was recorded under Section 164 of Cr.P.C. He would further submit that the medical examination of both the victim and the petitioner have to be done and the investigation is in preliminary stage. Hence, he opposed to grant bail to the petitioner.

5. Considering the seriousness and gravity of the offence and considering the age of the victim girl, the strong objection raised by the prosecution and also taking note of the statement given by the victim girl under Section 164 of Cr.P.C 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/-

28/11/2022

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/12/2022

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

CP

TO

1. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, NANGUNERI,
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.21001 of 2022

Date :28/11/2022

SP/SSS/SAR II/14/12/2022/2P/4C