



CRL OP(MD). No.16199 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/09/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.16199 of 2023

M.Hariharan

... Petitioner/ Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Kanyakumari, Kanyakumari District.
Crime No. 25 of 2023.

... Respondent/Complainant

For Petitioner : M.Perumal, Advocate.
For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.25 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused apprehends arrest at the hands of the respondent police for the offences under Sections 9 and 10 of the Prohibition of Child Marriage

Act, 2006 and altered to Sections 366, 376 of IPC and Sections 9 and 10 of the

<https://www.mhc.m.gov.in/judis>



CRL OP(MD). No.16199 of 2023

Prohibition of Child Marriage Act, 2006, in Crime No.25 of 2023, on the file of the
respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused have performed the marriage of the minor victim girl, who is aged about 15 years with the petitioner / first accused. Hence a complaint was given by the social welfare officer and a case has also been registered on that basis.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent, he has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution.

4. Learned Additional Public Prosecutor would submit that the present case came to be registered on the basis of the complaint given by the social welfare officer. Medical examination of the victim was undertaken and in the examination it was found that there was no physical contact between the petitioner and the victim girl.

5. Considering the facts and circumstances of this case and also the fact that there was no physical contact between the petitioner and the victim girl, this Court is inclined to grant relief to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, POSCO Court, Nagercoil, Kanyakumari District, on



CRL OP(MD). No.16199 of 2023

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condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders. The petitioners shall comply with the condition stipulated under Section 438 of Cr.P.C., scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail will stand dismissed.

sd/-
07/09/2023

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/09/2023

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

pnn

TO

1 THE JUDICIAL MAGISTRATE, POCSO COURT, NAGERCOIL,
KANYAKUMARI DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
KANYAKUMARI, KANYAKUMARI DISTRICT.



CRL OP(MD). No.16199 of 2023

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

+1 CC to M/s.M.PERUMAL, Advocate (SR-13332[I] dated 07/09/2023)

ORDER
IN
CRL OP(MD) No.16199 of 2023
Date :07/09/2023

RS/JGB/SAR-(21.09.2023) 4P 6C
Madurai Bench of Madras High Court is issuing
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