

Crl.O.P.No.536 of 2024**C.V.KARTHIKEYAN.,J.**

The petitioners seek anticipatory bail in Crime No.22 of 2023, registered by the respondent police for the offences punishable under Sections 376(2)(n) of IPC and Section 5(1), 5(j)(ii), 6(1) of POCSO Act @ Section 376(2)(n) of IPC and Section 5(1), 5(j)(ii), 6(1) of POCSO Act and Section 9 of Prohibition of Child Marriage.

2. The case of the prosecution is that one Venkatesan/A1, who is the sister's husband of the victim child, had stated that he intended to have relationship with the victim child. The first petitioner is the friend of the said Venkatesan. He had advised the victim child not to have any relationship with Venkatesan, but rather the victim child can have relationship with him. The victim child was a minor. However, the first petitioner appears to have gone through the ceremony of marriage with the victim girl and thereafter, had aggravated physical relationship with the victim child and had impregnated her. This necessitated her to abort the fetus.

3.The learned counsel appearing for the petitioners submitted that the correct facts have not been stated in the First Information Report.

4.However, the statement of the victim girl has been recorded under Section 164(5) of Cr.P.C. and the same had been forwarded to this Court and it speaks volumes of the agony suffered by the victim child at the hands of Venkatesan and at the hands of the first and third petitioners. All of them had knowledge about the marriage of the victim child by the first petitioner and had been impregnated. Medical examination had been done.



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Now, DNA test has also been done. At this stage, the petition for anticipatory bail will not lie.

5. In such circumstances, this Criminal Original Petition stands dismissed.

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