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CrI.O.P.No.3231 of 2024

C.V.KARTHIKEYAN, J.

The petitioner, who apprehends arrest at the hands of the respondent for the offences punishable under Section 366 of IPC and Section 5(1) r/w Section 6 of POCSO Act in Crime No.188 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.It is stated that the petitioner is aged about 32 years and the victim child is aged about 16 years. As a matter of fact, the victim child was much younger when the petitioner had lured her by stating that he would help her to get a degree in medicine and had enticed her away from her lawful guardian.

3.The learned counsel for the petitioner stated that the petitioner and the victim child had married and also produced a Marriage Certificate indicating the age of the victim child as 20 years.



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4.It is only natural that the age is given as 20 years, as if the correct age of less than 18 years had been given, the persons who had issued that Marriage Certificate would also be standing before this Court as co-accused. The victim child was born in the year 2007 and therefore, when the marriage allegedly took place in the year 2022, by any mathematical calculation, she could never be 20 years of age at the time of marriage. She was a minor. The respondent should therefore also include the provisions of Child Marriage Act, in this First Information Report. It is seen that, taking advantage of the fact that she hails from Bihar, the petitioner had enticed the victim child to Bihar and had committed penetrative sexual offence against her on several occasions. Thereafter, the respondent had to rescue her after much efforts.

5.Taking all the factors into consideration, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, this Criminal Original Petition stands dismissed.

15.02.2024

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