



CRL OP(MD). No.3053 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3053 of 2025

R Selvarani

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station,
Alangudi,
Pudukottai District.
Crime No. 13/2024..

... Respondent/ Complainant

For Petitioner : Mr.Sathish Kumar. K,
Advocate.

For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl.Side)

PRAYER :-

For Anticipatory bail in Crime No. 13 of 2024 on the file of the Respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 17.02.2025



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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant
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an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, Sections 7 and 8 of POCSO Act, 2012 and Sections 351(2) and 115(2) of BNS Act, 2023 in Crime No.13 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant's mother passed away during her childhood. After the demise of her mother, her paternal aunty / Accused No.1 was taking care of the defacto complainant and her siblings. The allegation against the petitioner is that the petitioner herein forced the defacto complainant to marry Accused No.2 herein. The defacto complainant refused to marry Accused No.2. But the marriage took place between the defacto complainant and Accused No.2 on 05.08.2024 at about 11.00 a.m., near Kuppakudi Ayyanar Kovil, against the wish and will of the defacto complainant, when she was a minor. Hence, the complaint.

4. Mr.K.Sathish Kumar, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence. He further submits that a false case has been foisted against the petitioner. He however submits that she is ready to abide by any conditions to be imposed by this Court. He further



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submits that the petitioner has a four- year-old child. Therefore, he prays for
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granting pre-arrest bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that at the time of marriage, the victim girl was a minor. He further submits that she has now attained the age of majority. He further submits that now, the victim girl is in the custody of her mother's sister. He further submits that the investigation is still going on. He further submits that if pre-arrest bail is granted to the petitioner, the petitioner will cause threat to the defacto complainant. Hence, he vehemently opposes to grant pre-arrest bail to the petitioner.

6. This Court has specifically posed a question to the learned counsel appearing for the petitioner to state about the alleged change in circumstances. The learned counsel states that the petitioner has a four-year-old child. However, this Court is of the view that having a four-year-old child would not be considered as a change in circumstances.

7. Considering the above and also taking note of the fact that the investigation is still going on and also considering the fact that there is no change in circumstances, this Court is not inclined to grant pre-arrest bail to the petitioner.



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8. Accordingly, the Criminal Original Petition stands dismissed.

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/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.The Inspector of Police,
All Women Police Station,
Alangudi,
Pudukottai District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.3053 of 2025
Date :19/02/2025

TSG

MK/SKN/05.03.2025 4P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023