



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/07/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP(MD) . No.9428 of 2019

1. S.Kanagalakshmi
2. Manian @ Kuttimani

... Petitioners/Accused - 2 & 3

Vs

The State
Rep. By the Inspector of Police,
All Women Police Station,
Oddanchatram,
Dindigul District.
(Crime No.07 of 2019).

... Respondent/Complainant

For Petitioner : M/s.S.R.Sureshkumar,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.07 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 5(1), (n) r/w Section 6 of POCSO Act 2012 and Sections 16 and 17 of POCSO Act 2013 r/w Sections 9, 10 and 11 of Prohibition of Child Marriage Act 2006, in crime No.07 of 2019, seek anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioners has submitted that the first petitioner's former husband Sasthiri gave a false complaint stating that these petitioners have conducted the



marriage of A1 with victim girl aged about 17 years and the said A1 is already HIV positive patient. He further submitted that the petitioners have not committed any offence as alleged by the prosecution. He further submitted that the victim girl without the knowledge of the petitioners herein has voluntarily lived with A1 and subsequently it was found that A1 is a HIV positive patient. The petitioners herein have not conducted the marriage of A1 with the victim girl. He further submitted that the alleged occurrence took place in the year 2018 and for that a complaint was lodged only on 21.04.2019 and he further submitted that this Court already granted anticipatory bail to A4 to A8 and hence he prayed for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that the first petitioner got separated from her husband Sasthiri and she is living with the second petitioner. He further submitted that both the petitioners have conducted the marriage of A1 with the victim girl aged about 17 years, who is daughter of the first petitioner. He further submitted that A1 is a HIV positive patient and after came to know of the said fact the victim girl informed the said fact to her father Sasthiri and hence the said Sasthiri had lodged a complaint against the petitioners and A1. He further submitted that after registering the case, during investigation, it was found that some other accused persons also participated in the said child marriage and hence, they were also added as accused persons in the above case. He further submitted that those persons were granted anticipatory bail on the ground that they have participated in the said marriage without knowledge about the age of the victim girl, but these petitioners cannot claim parity with them, because these petitioners are the main accused persons who are responsible for getting marriage of the minor victim girl with A1 and therefore, he strongly opposed this petition.

5.Taking into consideration the fact that the first petitioner is the mother and second petitioner is the former husband of the first petitioner and as per the F.I.R, they only made arrangement for marriage of the victim girl with A1 who is a HIV positive patient, this Court is not inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is dismissed.

sd/-
08/07/2019

/ TRUE COPY /



TO

1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, ODDANCHATRAM,
DINDIGUL DISTRICT. (CRIME NO.07 OF 2019)

WEB COPY

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

+1. CC to M/S.S.R.SURESHKUMAR Advocate SR.No.11275

ORDER

IN

CRL OP(MD) No.9428 of 2019

Date :08/07/2019

vsg

JM-I/VR/SAR-3/22.07.2019/3P-4C