



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.19185 of 2021

Ammavasi

... Petitioner/Accused 2

Vs

The State rep by
The Inspector of Police,
Kadupatti Police Station,
Madurai District.
(Cr.No. 84 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Balaji.S,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

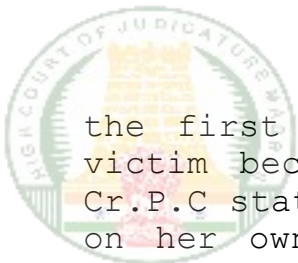
For Anticipatory Bail in Crime No. 84 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 5(L) J(ii) and 6 of POCSO Act and r/w Sections 9 and 10 of Prohibition of Child Marriage Act, in Crime No.84 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused have arranged and performed the marriage between the first accused and the minor victim girl. On the complaint of the Child Welfare committee, the case was registered.

3.The learned counsel appearing for the petitioner would submit that the first accused and the victim girl were in love with each other. Since, it was not accepted by the victim's family members, without understanding the consequences, the victim had eloped with



the first accused and they were living as husband and wife, the victim became pregnant. He would further submit that in the 164 Cr.P.C statement also the victim girl has stated that she had eloped on her own volition with the first accused. Hence, he seeks for grant of bail to the petitioner.

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4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner herein arranged and performed the marriage for the minor girl with the first accused. He would further submit that the major part of investigation is over and the statement of the victim has been recorded under Section 164 of Cr.P.C. He would further submit that this Court had granted anticipatory bail to the co-accused in CrI.O.P(MD).No.16225 of 2021 dated 26.10.2021.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against this petitioner and the grant of anticipatory bail to the co-accused by this Court, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Special District Mahila (POCSO) Judge, Madurai, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 on every Saturday at 10.30 am until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

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

Sd/-
13/12/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



1. THE SPECIAL DISTRICT MAHILA (POCSO) JUDGE,
MADURAI
2. THE INSPECTOR OF POLICE,
KADUPATTI POLICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.19185 of 2021
Date : 13/12/2021

VB/JC/SAR-IV/22.12.2021/3P/4C