



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.19315 of 2021

Vijayalakshmi

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Aurppukottai All Women Police Station,
Virudhunagar District.
Cr.No.21 of 2021.

... Respondent/Complainant

For Petitioner : M/S.CHAKKKARAVARTHY.S.J.,
Advocate.

For Respondent : Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

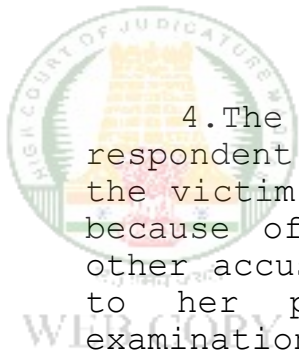
PRAYER :- For Bail in Crime No.21 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who was arrested and remanded to judicial custody on 11.11.2021 for the offence punishable under Sections 366 of IPC and Section 5(I) r/w 6 of POCSO Act, 2012 and Sections 9, 10 of Child Marriage Restraint Act, 2006, in Crime No.21 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that the victim girl is aged about 15 years and the first accused is aged about 25 years. on 16.10.2021, the first accused took the victim girl and performed marriage with the help of the petitioner and the accused No.3, who are the mother and brother of the first accused. Thereafter, they lived as husband and wife in the house of the first accused. On 22.10.2021, the first accused quarrelled with the victim girl and all the accused forced her to remove thali and to go to her parental home. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and she has not committed any offence as alleged by the prosecution, she has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 11.11.2021. Hence, he seeks to grant of bail for the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that after performing the child marriage, the victim girl was taken to the house of the petitioner and later, because of the registration of the case, the petitioner and the other accused removed thali of the victim girl and forced her to go to her parental home.He would further submit that medical examination of the first accused has not yet received.

5. It is seen that the allegation against the petitioner is that, she arranged and performed the child marriage along with the first accused, who is the son of the petitioner. But, reading of the First Information Report shows that there is no such allegation against the petitioner. Only allegation is that after trouble arose between them, victim girl was sent to her parental home and the same was questioned by her parents. At that time, the parents of the first accused refused to give any proper response and criminally intimidated them.

6.Considering the facts and circumstances of the case and also the fact that the petitioner is in judicial custody from 11.11.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail, on executing a personal 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 Judicial Magistrate, Aruppukottai, Virudhunagar District, and on further condition that the petitioner shall report before the respondent police at 10.30 a.m. once in a week, until further orders.

sd/-

07/12/2021

/ TRUE COPY /

/ /2021

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

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.

TO

1 THE JUDICIAL MAGISTRATE
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.



3 THE OFFICER INCHARGE,
NILAKKOTTAI SUB JAIL, (WOMEN WING)
DINDIGUL DISTRICT.

4 THE INSPECTOR OF POLICE
AURPPUKOTTAI ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to M/S.CHAKKKARAVARTHY.S.J. Advocate SR.No.8940

ORDER

IN

CRL OP(MD) No.19315 of 2021

Date :07/12/2021

SA/PN/SAR.3/08.12.2021/3P/7C