



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.19760 of 2021

Nagamani @ Nagamanithai

... Petitioner/Accused No.6

Vs

State rep by

The Inspector of Police,
Puliangudi Police Station,
Tenkasi District.

(Crime No. 128 of 2021).

... Respondent/Complainant

For Petitioner : Mr.R.J.Karthick,
Advocate.

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

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

PRAYER :-

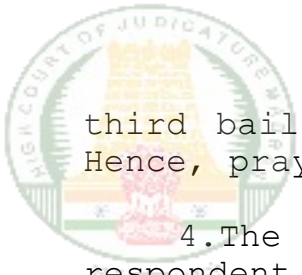
For Anticipatory Bail in Crime No. 128 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.6, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 6 r/w 5(1), 17 of Protection of Child from Sexual Offences Act and Section 9, 10, 11 of Prohibition of Child Marriage Act, 2006, in Crime No.128 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 15.02.2021, at about 06.00AM to 07.30AM, all the accused persons had performed marriage of the minor girl with one Singadurai/first accused, in the house of this petitioner and the first accused had also committed repeated sexual assault with her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and aunt of the first accused. This is the



third bail application. Co-accused were already enlarged on bail. Hence, prays to release her on anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the investigation is not yet completed, since three accused are still absconding. Even though, this is the third petition, there is no change in circumstances.

5. In this case, earlier two bail applications were dismissed by this Court, on the ground that this petitioner appears to have arranged marriage of the victim and first accused in her house. This is the third bail application. According to the learned Additional Public Prosecutor, there is no change in circumstances, the learned counsel for the petitioner would submit that the first and second accused were arrested and released on bail and other seventh and eighth accused were also released on anticipatory bail by this Court in CrI.OP(MD)No.5275 of 2021 and 7900 of 2021, much before the dismissal order in the anticipatory bail petition filed by this petitioner.

6. Whatever it may be, the petitioner is the aunt of the first accused and marriage has been performed in her house and considering the age of the petitioner, custodial interrogation may not be necessary at this stage, since the main accused has been already granted regular bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned District Munsif cum Judicial Magistrate, Sivagiri, Tenkasi District and on her 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 daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

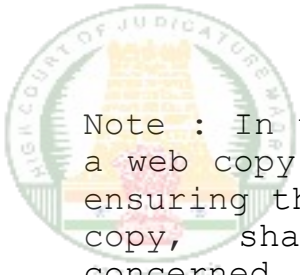
8. The petitioner shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
20/12/2021

/ 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.

WEB COPY
TO

1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SIVAGIRI, TENKASI DISTRICT.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3.THE INSPECTOR OF POLICE,
PULIANGUDI POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-9514[I] dated 21/12/2021)

ORDER

IN

CRL OP (MD) No.19760 of 2021

Date : 20/12/2021

VB/PN/SAR-IV/28.12.2021/3P/6C