



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.19661 of 2021

Arumugam

... Petitioner/10th Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Thiruppathur,
Sivagangai District.
Cr.No. 10 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.Muniyandi,
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.10 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 363, 506(i) IPC and 5(1), 8, 9, 10 of Protection of Child from Sexual Offences Act, in Crime No.10 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the first accused and the minor victim girl, were in love affair and later the first accused married the victim girl, who was 16 years and had repeated sexual assault. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there was love affair between the first accused and the victim and they are close relatives. He would further submit that the accused nos.3, 4 & 5 were granted anticipatory bail by this Court in Crl.OP



(MD)No.18141 of 2021 on 19.11.2021, on the ground that those petitioners were only relatives and they were present at the time of marriage. Likewise, this petitioner is the village headman, who was present at the time of marriage. Hence, prays to release him on anticipatory bail.

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4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the first accused married the victim, who was aged about 16 years.

5.In contra, the learned counsel for the petitioner would submit that the victim was 17 + years, at the time of marriage. It is a matter for investigation.

6.Considering the facts and circumstances of this case, limited role played by the petitioner in the performance of marriage, on the similar ground this Court had already granted anticipatory bail to the co-accused, 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 Special Judge, Special Court for POCSO Act Cases, Sivagangai 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 Judge 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 Judge 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/-
10/12/2021

/ 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.

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- TO
- 1.The Special Judge,
Special Court for POCSO Act Cases,
Sivagangai.
 - 2.The Inspector of Police,
All Women Police Station, Thiruppathur,
Sivagangai District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.MUNIYANDI S Advocate SR.No.9118

ORDER
IN
CRL OP(MD) No.19661 of 2021
Date :10/12/2021

RS/PN/SAR4(15.12.2021) 3P-5C