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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 16/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.20105 of 2021

M.Lakshmi

... Petitioner/Accused No.3

Vs

The State rep by  
The Inspector of Police,  
All Women Police Station,  
Karaikudi,  
Sivagangai District.  
Cr.No. 24 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.Anbarasan,  
Advocate.

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

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

PRAYER :-

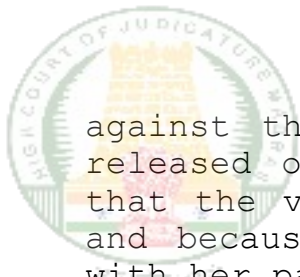
For Anticipatory Bail in Crime No.24 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5(1) r/w 6 of Protection of Child from Sexual Offences Act, in Crime No.24 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 the first accused had committed aggravated penetrative sexual assault on her repeatedly and the victim girl became pregnant and the first accused with the help of other accused persons aborted her pregnancy. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the mother of the first accused, who alleged fell in love with the victim girl, that there is no specific allegation



against the petitioner and that the co-accused were arrested and released on bail by the concerned court. He would further submit that the victim girl was 17+ years at the time of her love affair and because of non-attaining the age of majority, she was living with her parents. Hence, prays to release her on anticipatory bail.

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4.The learned Additional Public Prosecutor appearing for the respondent would submit that even before the complaint, there was relationship between the first accused and the victim girl, she became pregnant and when that was brought to the notice of the parents, trouble arose between the parties and now the victim girl is residing with the first accused.

5.Reading of the FIR shows that the victim girl's pregnancy was brought to the notice of the parents and with the consent of both the families, marriage was performed on 05.03.2021, thereafter they lived for one month. Because of trouble between them, she left her matrimonial home and child was also aborted. Thereafter, they also lived together and for the second time also she got pregnant, later also trouble arose between them. The victim was 17 + years, at the time of marriage.

6.Considering the facts and circumstances of this case, limited role played by the petitioner in the performance of marriage, the main accused were already enlarged on 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 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/-  
16/12/2021

/ 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 SPECIAL JUDGE,  
SPECIAL COURT FOR POCSO ACT CASES,  
SIVAGANGAI.
2. THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION, KARAIKUDI,  
SIVAGANGAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP (MD) No.20105 of 2021  
Date : 16/12/2021

VB/CN/SAR-IV/21.12.2021/3P/4C