



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 16/02/2022
PRESENT

The Hon`ble Mrs.Justice R.THARANI
CRL OP(MD) . No.3235 of 2022

WEB COPY

Manivel

... Petitioner/Accused No.1

Vs

The state represented by
The Inspector of Police,
All Women Police Station,
Bodi, Theni District.
Cr.No. 1 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Jeyamohan K,
Advocate.

For Respondent : Mr.K.Sanjay Gandhi
Government Advocate (Crl.Side)

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

PRAYER :-

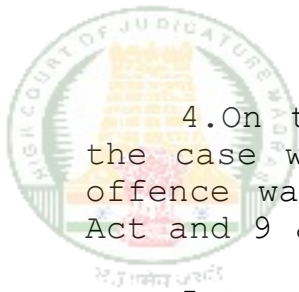
For Anticipatory Bail in Crime No.1 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 9 & 10 of Prohibition of Child Marriage Act, 2006 @ Sections sections 9 & 10 of Prohibition of Child Marriage Act, 2006 and Sections 5(1), 5(n), 5(j), 6, 11 and 17 of POCSO Act, 2012, in Crime No.01 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The offence against the petitioner is performing Child Marriage. A case in crime No.1 of 2022 was registered for the offence under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 @ Sections 9 & 10 of Prohibition of Child Marriage Act, 2006 and Sections 5(1), 5(n), 5(j), 6, 11 and 17 of POCSO Act, 2012, against the petitioner and others.

3.On the side of the petitioner, it is stated that the petitioner is A1 in the case. There was love affair between the petitioner and the victim girl. They are married and now they are having a four months baby to take care of. The child needs surgery and the petitioner is the only bread winner of the family. The complaint was not lodged by the victim or her relatives. It was only lodged by the Social Welfare Officer. The co-accused who are the parents of the victim and the parents of the petitioner were already granted bail. The statement of the victim was already recorded under Section 164 Cr.P.C and prayed the petitioner to be released on anticipatory bail.



4. On the side of the prosecution, it is stated that initially the case was registered under the Child Marriage Act, but now the offence was altered into Sections 5(1), 5(j) (ii), 6, 17 of POCSO Act and 9 & 10 of Child Marriage Act.

5. Considering the nature of the offence and considering the facts and circumstances of this case and considering the fact that the child needs surgery, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the Mahila Court, Theni, 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 on further condition that the petitioner shall appear before the respondent police daily at 10.30 am., until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
16/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Ls

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 JUDGE,
MAHILA COURT,
THENI DISTRICT
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, BODI, THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S. JEYAMOHAN.K Advocate SR.No.1191

ORDER
IN
CRL OP(MD) No.3235 of 2022
Date :16/02/2022