



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/04/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6349 of 2022

1. Sudharsan Kumar
2. Periyakaruppan
3. Alagunatchi
4. Senthil
5. Cithra

... Petitioners/Accused 1 to 5

Vs

State rep.by
The Inspector of Police,
All Women Police Station(Manamadurai),
Sivagangai District.
(Crime No.9/2022).

... Respondent/Complainant

For Petitioners : M/s.Xavier Rajini, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.09 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 5, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 5(1), 5(j)(ii) and 6 of POSCO Act, 2012 and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, in Crime No.9 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case has been registered on the basis of the information that has been received from the Government Rajaji Hospital, Madurai, wherein, the victim girl was admitted for delivery and noting that



she was minor, based upon the statement of the victim girl, the petitioners have been implicated in this case.

3. The learned counsel for the petitioners submitted that A1 is the husband of the victim girl and the petitioners are innocent and they have been falsely implicated in this case. He further submitted that it was an arranged marriage and on the date of the marriage, she was major. But no document is available to prove the victim girl was major at the time of marriage.

4. The learned Additional Public Prosecutor submitted that the victim girl was married by A1, when she was aged about 15 years and after that a child was also delivered and they are living together for more than three years.

5. Considering the fact that A1 and the victim girl are living together for more than three years, this Court is inclined to grant anticipatory bail to the petitioners with stringent conditions, even though the offence cannot be condoned on that ground, since they were undergoing trial.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Manamadurai, Sivagangai District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners 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 stands dismissed.

Sd/-
06/04/2022

/ TRUE COPY /

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

SJI

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.



1. THE JUDICIAL MAGISTRATE,
MANAMADURAI,
SIVAGANGAI DISTRICT.

2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION (MANAMADURAI) ,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S. MICHEAL SEBASTIN.B. Advocate SR.No.17271

ORDER

IN

CRL OP (MD) No.6349 of 2022

Date :06/04/2022

SP/JM/SAR II/13/04/2022/3P/6C