



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.6417 of 2022

Gopinathan

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station -Aruppukottai,
Virudhunagar District.
in Crime No.3 of 2022.

... Respondent/Complainant

For Petitioner : Mr.A.Mohan, 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.3 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 alleged offence punishable under Sections 376(3) of IPC and Section 5(1), 5(j)(ii) r/w 6 of POCSO Act in Crime No.3 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case has been registered on the basis of the information that has been received from the concerned Government Official, Government Hospital, Virudhunagar, wherein, the victim girl admitted for delivery and noting that she was minor. Based upon the statement of the victim girl, the petitioner has been implicated in this case.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. A2 to A4 were already arrested and released on bail and A5 was granted anticipatory bail.

4.The learned Additional Public Prosecutor submitted that the victim girl was married by A1, when she was aged about 15 years and they are living together.



5.Considering the fact that the date of marriage is 14.06.2021 and now a baby is also delivered, this Court is inclined to grant anticipatory bail to the petitioner with stringent conditions, as the offence cannot be condoned on that ground as the petitioner is undergoing trial.

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6.Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Special Court for Exclusive Trial of Cases under POCSO Act, Virudhunagar District at Srivilliputhur, on condition that the petitioner shall execute 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 Special Court concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioner shall appear before the concerned Special Judge 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.)
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 COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION -ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to Mr.V.SASIKUMAR, Advocate (SR-3055[I] dated 07/04/2022)

ORDER IN

CRL OP(MD) No.6417 of 2022

Date :06/04/2022

SJI

MK/VR/SAR.I/12.04.2022/2P/5C

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