



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/06/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . Nos.10244 and 10247 of 2022

K.Nagalakshmi

... Petitioner/Accused No.2
in Crl.O.P(MD).No.10244 of 2022

M.Rajalakshmi

... Petitioner/Accused No.3
in Crl.O.P(MD).No.10247 of 2022

Vs

1. The State rep.by
The Inspector of Police,
Othakadai Police Station,
Othakadai,
Madurai District.
Crime No.168 of 2022.

2. Dhomodharan

... Respondents/De-facto Complainants
in both Crl.O.Ps

IN BOTH PETITIONS:

For Petitioner : M/s.HAJA MOHIDEEN A,
Advocate.
For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor

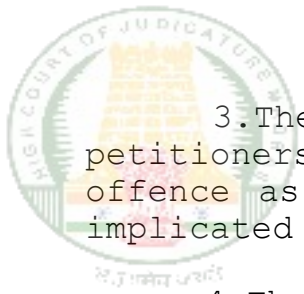
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :- For Anticipatory Bail in Crime No.168 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following Common order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 of the Indian Penal Code, 1860, 9 & 10 of the Prohibition of Child Marriage Act, 2006 @ 294(b), 323 of Indian Penal Code, 1860 and 9 & 10 of the Child Marriage Act, 2006 and 5(i), (j) (ii), 6 of POCSO Act, in Crime No.168 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused have arranged and tried to perform the marriage between first accused and the minor victim girl. Hence, the complaint.



3.The learned counsel for the petitioners submits that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor submitted that the minor daughter of the defacto complainant by name Rajalakshmi married with one Anbu, that marriage was performed by her grand mothers/petitioners without the knowledge of her parents. As a result of which, on 31.05.2022, at about 9.30 p.m., a trouble arose between the petitioners and the defacto complainant's husband and both of them attacked to each other. During the course of investigation, the offences were altered and the first accused was arrested and remanded to judicial custody.

5.Considering the facts and circumstances of the case and the nature of allegation levelled against these petitioners and also considering the age of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, however, with stringent conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, before the learned Special Court (POCSO), Madurai, and on their executing 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 on every Saturday at 10.30 am until further orders. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioners shall appear before the concerned Magistrate 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/-

29/06/2022

/ TRUE COPY /

/07/2022

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 JUDGE
SPECIAL COURT (POCSO), MADURAI.

2 THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION,
OTHAKADAI,
MADURAI DISTRICT.

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

+1. CC to M/S.HAJA MOHIDEEN A Advocate SR.No.6336 (I)
Date:29/06/2022

+1. CC to M/S.HAJA MOHIDEEN A Advocate SR.No.6419 (I)
Date:01/07/2022

ORDER

IN

CRL OP(MD). Nos.10244 and
10247 of 2022

Date :29/06/2022

SA/VR/SAR.2/15.07.2022/3P/6C