



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/07/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.10214 of 2022

1. M.Rajendran,

2. R.Pappathi,

... Petitioners/Accused

Vs

State Rep.by
The Inspector of Police,
Koodal Pudur Police Station,
Madurai District.
Crime No.92 of 2022..

... Respondent/Complainant

For Petitioners : Mr.Ramsundarvijayraj S,Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor(Crl.side)

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

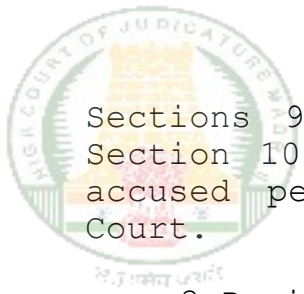
PRAYER :-

For Anticipatory Bail in Crime No.92 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners are facing charges under Sections 9, 10 and 11 of Prohibition of Child Marriage Act and Section 10 of POCSO Act, in Crime No.92 of 2022 on the file of the respondent police.

2.The case of the prosecution is that the defacto complainant lodged a complaint stating that his daughter, namely Panju, was aged about 17 and was undergoing 9th std., Later, she discontinued her studies. On 15.03.2022 at about 11.00 am., she received Rs.300/- from the defacto complainant and sent to the hospital. But later she did not return. So, based upon the aforesaid incident, he filed a complaint, over which the case was registered under the caption for girl missing and during the course of investigation, the involvement of the accused came to light and later, it was altered to



Sections 9, 10 and 11 of Prohibition of Child Marriage and Section 10 of POCSO Act. Alteration report was filed and all the accused persons moved anticipatory bail application before this Court.

3. During the pendency of the aforesaid applications, the 1st accused was arrested and remanded to judicial custody. These petitioners are the parents of the 1st accused.

4. The learned counsel for the petitioners would submit that even as per the allegation that has been made by the victim girl, no specific overt act has been attributed against the petitioners, since it has been stated that at the time of alleged marriage that the petitioners along with some other persons were present. The age of the victim girl is 17 plus at the time of the alleged marriage.

5. It has been stated by the victim girl that she was in love with the 1st accused, but later that was not accepted by her parents. She was severely threatened by her mother and so, she went out of the house and went to the house of the 1st accused. On the next day at about 08.00 am., the marriage was performed in Muthupatti village. Thereafter, they were living together for some time. Later, she was secured by the police, on the basis of the complaint given by her father.

6. Since the 1st accused has been arrested and remanded to judicial custody, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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 No.IV, Madurai, 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.

8. 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 shall stand dismissed.

sd/-
18/07/2022

/ TRUE COPY /

/08/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



MM

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 JUDICIAL MAGISTRATE NO.IV,
MADURAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE ,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KODAL PUDUR POLICE STATION,
MADURAI DISTRICT. .
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.RAMASUNDARVIJAYRAJ, Advocate (SR-7272[I] dated 18/07/2022)

ORDER

IN

CRL OP(MD) No.10214 of 2022

Date :18/07/2022

PKP/SVR/SAR-1/01.08.2022/3P/6C