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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 22/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.10648 of 2022

Balakrishnan @ Bala

... Petitioner/Accused No.4

Vs

State rep.by
The Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
(Crime No.5 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Sorimuthu V, Advocate.

For Respondent : R.M.Anbunithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.5 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections Girl Missing @ 9, 10 of Prohibition of Child Marriage Act and Section 5 (1) r/w 6 of POCSO Act, in Crime No.5 of 2022 on the file of the respondent police, seeks anticipatory bail.

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

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police and perused the materials available on record.



4. On perusal of 164 Cr.P.C statement recorded from the victim girl, it shows that the victim girl fell in love with one Sathish and the same was not liked by her parents, for which, the victim girl's parents were arranged marriage with some other persons. Thereafter, the victim girl left the parental home and she moved one place to another place. On 17.12.2021, the victim girl went to parental home and her parents once again made an arrangement to perform the marriage between the petitioner and the victim girl on 20.12.2021. After knowing the arrangement, the victim girl again left the parental home and went to Cuddalore.

5. The learned Additional Public Prosecutor submitted that now the victim girl is in observation home at Tirunelveli.

6. The learned counsel for the petitioner submitted that the victim girl's mother has suppressed the fact that the victim girl was in love with some other person and the petitioner is none other than the brother of the victim girl's mother.

7. Considering the facts and circumstances of the case and the nature of allegation levelled against this petitioner, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, before the learned Special Sessions Judge, Special Court for Trial Cases under POCSO Act, Tirunelveli, 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 the petitioner shall appear before the respondent police on every Saturday at 10.30 am until further orders. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioner 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/-
22/06/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.I)
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 SESSIONS JUDGE,
SPECIAL COURT FOR
TRIAL CASES UNDER POCSO ACT,
TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
RADHAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2. CCs to M/S.SORIMUTHU V Advocate SR.No.5938

ORDER
IN
CRL OP(MD) No.10648 of 2022
Date :22/06/2022

SP/JM/SAR I/01/07/2022/3P/6C