



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23/06/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD). No.11198 of 2022

WEB COPY

1. Alagusundari
2. Mariappan

... Petitioners/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Sivakasi, Virudhunagar District.
Crime No.9 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Muniyandi S,
Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.9 of 2022 on the file of the Respondent Police.

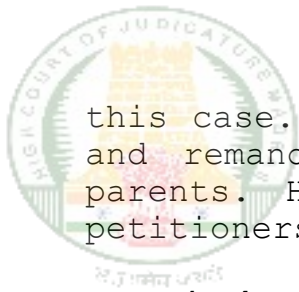
ORDER : The Court made the following order :-

The petitioners/Accused No.3&2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 366(A), 376(3) of IPC, Section 17, 5(j)(ii), 5(1), 6 of Protection of Child from Sexual Offences Act, in Crime No.9 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the victim girl is aged about 15 years. The petitioners herein are the mother and father of the first accused. On 13.11.2021, the first accused and the petitioners came to the house of the victim girl and kidnapped her to their house and performed marriage on the date itself. She was all along living with the accused persons in that house and later she got pregnancy. Hence, she was admitted in the hospital. The hospital authorities found that she was aged below 18 years and sent information to the Social Welfare Department and Statement of the victim girl was recorded. Hence, the present case has been registered against the petitioners.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in

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this case. He further submitted that the first accused was arrested and remanded to judicial custody and this petitioners are only parents. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that the victim girl is aged about 15 years. The first accused committed sexual assault upon the victim girl and the petitioners have assisted the first accused to kidnap and perform the marriage.

5.It is seen that the petitioners along with the first accused took the victim girl to their house and performed marriage. Now, more than year lapsed. The victim girl also lived with the accused persons from the date of marriage. So, there is no question of force.

6.In view of the above said lapse of time, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 Special Court For Exclusive Trial of Cases Under Pocso Act, Virudhunagar District at Srivilliputtur, 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 stands dismissed.

sd/-
23/06/2022

/ TRUE COPY /

/06/2022
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



TO

1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

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

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

+1 CC to M/s.J.JEYA ARON RAJA, Advocate (SR-6177[I] dated
27/06/2022)

ORDER

IN

CRL OP(MD) No.11198 of 2022

Date :23/06/2022

RS/PN/SAR.4 (29.06.2022) 3P-5C