



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30.06.2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD) . No.11710 of 2022

WEB COPY

Chellapoo

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Sernthamaram Police Station,
Tenkasi.

(Crime No. 68 of 2022).

... Respondent/Complainant

For Petitioner : M/s.KARTHICK.R.J, Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 68 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 6 r/w. 5(1), 5(j)(ii) of Protection of Children from Sexual offences Act, 2012 and Sections 9, 10 of Prohibition of Child Marriage Act and Sections 176 and 201 IPC in Crime No.68 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The specific allegation against the petitioner is that they have joined with co-accused suppressed the child marriage alleged to have taken place between the first accused and the deceased. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioner is an innocent and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner has suppressed the child marriage took place between the first accused and the deceased. He would further submit that A1 and A2 has already been remanded to custody on 20.06.2022.

5. On perusal of the confession statement, it is seen that after the marriage both the first accused and the victim were living together and the victim girl became pregnant and during the delivery she died. She was cremated. Knowing the child marriage, the petitioner has not informed to the police, the case has been registered against him.



6. Considering the facts and circumstances of the case and also considering the fact that co-accused A1 and A2 have already been remanded to judicial custody, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on their appearance, before the Special Court for Exclusive Trial of Cases under PocsO Act, Tirunelveli, 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 Magistrate 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.

8. The petitioner 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/-
30/06/2022

/ 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 FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE,
SERNTAMARAM POLICE STATION, TENKASI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.11710 of 2022
Date :30/06/2022

SA/VR/SAR.4/07.07.2022/2P/4C

<https://hcservices.ecourts.gov.in/hcservices/>