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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12064 of 2022

1. Selvaraj
2. Vellaiammal
3. Vijaya
4. Muniyandi

... Petitioners/Accused No.2 to 5

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Sankarankovil,
Tirunelveli.
(Crime No.8 of 2022).

... Respondent/Complainant

For Petitioners: M/s.A.Thirukumaran, 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. 8 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.2 to 5, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 6 r/w Section 5(1), 5(n)5(j)(ii), 17 of Protection of Children from Sexual Offences Act, 2012 and Section 9,10 of Prohibition of Child Marriage Act, 2006, in Crime No.8 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant was aged about 17 years. At the point of time, alleged marriage was performed with the first accused. On 08.12.2021, that alleged



marriage was arranged by the parents of both sides. When she was admitted in the hospital, due to pregnancy, it was found that on the date of marriage, she was minor. Information was sent to the Social Welfare Department. Based upon that, complaint has been registered against the accused persons.

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

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the first accused is the maternal uncle of the victim girl. He was released on regular bail. The statement of the victim girl was also recorded and she stated that on her own will and in the presence of the elders, the marriage was performed and she become pregnant.

5. Considering the facts and circumstances of the case and also considering the fact that since the first accused has been granted regular bail and limited role has been played by the petitioners in the above said marriage, this Court is inclined to grant anticipatory bail to the petitioners.

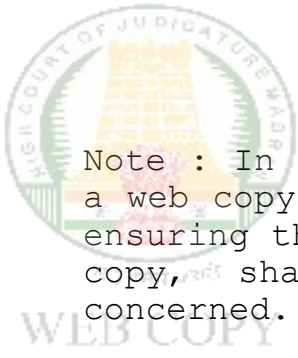
6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Sessions Judge, Special Court for POSCO Act Cases, Tirunelveli, on condition that the petitioners shall execute a bond for 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 1 & 2 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. The learned counsel for the petitioners would submit that the petitioners 3 & 4 are studying in Bangalore. Considering the fact that it is a dispute between brothers, no condition is imposed upon the petitioners 3 & 4.

7. 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/-
06/07/2022

/ 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 SESSIONS JUDGE,
SPECIAL COURT FOR POSCO ACT CASES,
TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SANKARANKOVIL.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.12064 of 2022

Date :06/07/2022

SP/SVR/SAR I/12/07/2022/3P/4C