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

Date : 11/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12381 of 2022

Maruthupandi

... Petitioner/Accused No.4

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Aundipatti. Theni Distirct.
(Crime No.24/2021).

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar.C, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

Anticipatory Bail in Cr.No.24/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.4, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 9,10 and 11 of Prohibition of Child Marriage Act, 2006 and Section 6 of POCSO Act, in Crime No.24 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant was married to the first accused when she was minor. That was objected by the parents. But, however, on 20.06.2019, at about 10.30 a.m, the marriage was performed between herself and the first accused in the presence of the elders. After that, they were living together and she become pregnant. For delivery, she was admitted in the hospital. Noting the fact that she was minor at the time of



marriage, information was sent to the Social Welfare Commission and based upon the statement given by the victim girl, case has been registered against the accused persons.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the co-accused have been granted anticipatory bail by this Court. The first accused was arrested and later, released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the co-accused namely, 1,8,9 & 12 have been granted anticipatory bail by this Court in Crl.OP(MD) No.3430 of 2022 dated 18.02.2022. The first accused was arrested and later, released on bail. Now, the victim girl is in her parental home.

5. Considering the facts and circumstances of the case and also considering the fact that co-accused have already been released on bail and similarly the first accused has been arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Mahila Court, Theni, 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.

7. 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/-
11/07/2022

/ 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.

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TO

1. THE JUDICIAL MAGISTRATE,
MAHILA COURT, THENI.
2. -DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AUNDIPATTI, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.12381 of 2022

Date :11/07/2022

SP/JM/SAR I/18/07/2022/2P/5C