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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.12448 of 2022

1. Perumal,

2. Panju,

3. Elathal,

...Petitioners/Accused No.2 to 4

Vs

State Rep.by

The Inspector of Police,
Palayanur Police Station,
Sivagangai District.

(Crime No. 29 of 2022).

... Respondent/Complainant

For Petitioners: MR.M.Irulapparaja,Advocate.

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

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

PRAYER :-

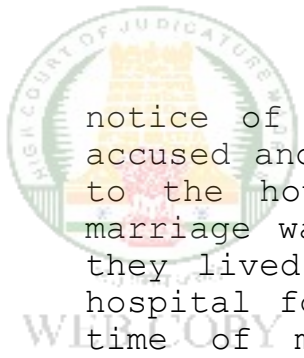
For Anticipatory Bail in Crime No. 29 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.2 to 4, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 5(1), 5(m), 5(j)(ii) and 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9 and 10 of the Prohibition of Child Marriage Act, in Crime No.29 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the victim girl was forcibly married to the first accused, who is the maternal uncle's son. The girl and the first accused were in contact for some time. That was brought to the

<https://www.mhcn.org.in/>



notice of the parents of the victim girl. They warned the first accused and the victim girl. Because of that, the victim girl, went to the house of the first accused on her own will and there, marriage was performed by the fourth accused on 12.04.2022. Later, they lived together. Due to the ill health, she was taken to the hospital for treatment, noting the fact that she was minor at the time of marriage, intimation was sent to the Social Welfare Committee and based upon the statement given by the victim girl, case has been registered against the accused persons.

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 victim girl is aged about 14 years. Because of pregnancy, now, she is in serious condition.

5. Reading of the FIR shows that the victim girl's parents are no way involved in the above said marriage and they also warned the first accused and the victim girl for their contact. Hence, this Court is inclined to grant anticipatory bail to the petitioners 1 & 2 with certain conditions.

6. Insofar as the third petitioner is concerned, there is specific allegation against her that she only performed the marriage between the victim girl and the first accused. Further, the victim girl is aged about only 14 and now, she is in serious condition because of pregnancy. Hence, the third petitioner is not entitled for anticipatory bail.

7. The learned counsel for the petitioners seeks permission of this Court to withdraw this petition insofar as the third petitioner is concerned. Hence, this petition is dismissed as withdrawn insofar the third petitioner is concerned.

8. Accordingly, this Criminal Original Petition is partly allowed and the petitioners 1&2 are ordered to be released on bail in the event of arrest or on their appearance, before the Special Court for POCSO Act Cases, Sivagangai, on condition that the petitioners 1&2 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 1&2 shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.



9.The petitioners 1&2 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

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/07/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SPECIAL JUDGE,
FOR POCSO ACT CASES, SIVAGANGAI.
- 2 THE INSPECTOR OF POLICE
PALAYANUR POLICE STATION,
SIVAGANGAI DISTRICT .
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.IRULAPPARAJA, Advocate (SR-6988[I] dated 13/07/2022)

ORDER

IN

CRL OP(MD) No.12448 of 2022

Date :11/07/2022

dss

PKP/JM/SAR-2/20.07.2022/3P/5C