



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/07/2022
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.12443 of 2022

1. Marisakthi
2. Selvamani @ Vellilingam ... Petitioners/Accused No.1 & 2

Vs

The State rep.by,
The Inspector of Police,
Sernthamaram Police Station,
Tenkasi Distirct.
Crime No.68/2022.

... Respondent/Complainant

For Petitioners : Mr.R.J.Karthick,
Advocate.

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

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

ORDER : The Court made the following order :-

The petitioners/A1 and A2 herein, who were arrested on 20.06.2022 for the alleged offences under Section 6 r/w 5(1), 5(j) (ii) of Protection of Children from Sexual Offences Act, 2012, Sections 9 and 10 of Prohibition of Child Marriage Act and Sections 176 and 201 IPC in Crime No.68 of 2022 the file of the respondent police, seek bail.

2.The case of the prosecution is that the 1st petitioner/A1 married the victim girl on 15.03.2021. She was admitted in the hospital for delivery and finding that she was minor at the time of marriage, information was given to the Social Welfare Department and she visited the hospital and made enquiry.

3.On enquiry, the victim girl has stated that she married the 1st petitioner in the presence of the villagers and elders, when she was minor on 15.03.2021. Later, she was admitted in the hospital for delivery and she died on 24.02.2022. Child was also born. However, without informing the police, the accused persons buried the victim. Based upon the aforesaid enquiry, the case has been

https://www.mca211.co.in/cr for the offences as stated above. Pending investigation,



the petitioners were arrested and remanded to judicial custody on 20.06.2022.

4.The learned counsel for the petitioners submitted that after marriage, the 1st petitioner and the victim girl were living for some time and the victim has also pregnant and without informing the police, the victim was buried. No doubt, it is a mistake on the part of the villagers as well as the co-accused. No doubt, child was born and the 1st accused and the victim were living happily. Unfortunately, the aforesaid death was occurred and now, the child is in the custody of the 3rd accused.

5.Considering the facts and circumstances of the case and considering the period of incarceration, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail, on executing a personal 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 Special Court for POCSO Act Cases, Tirunelveli, and on further condition that the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

14/07/2022

/ TRUE COPY /

14/07/2022

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 POCSO ACT CASES, TIRUNELVELI.
- 2 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
- 3 THE INSPECTOR OF POLICE
SERNTAMARAM POLICE STATION, TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.12443 of 2022

Date :14/07/2022

MM

MK/PN/SAR.III/14.07.2022/2P/5C

<https://www.mhc.tn.gov.in/judis>