



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/07/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.13077 of 2022

1. C.Karuppaiya
2. K.Valarmathi

... Petitioners/Accused No.2 and 3

Vs

The State rep.by,
The Inspector of Police,
Thiruppathur All Women Police Station,
Sivagangai District
(Crime No.5 of 2022).

... Respondent/Complainant

For Petitioners : M/S.A.Banumathy, 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.5 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 5(i) r/w 6, 5(j)(ii) of POCSO Act, 202 and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, in Crime No.5 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the victim's marriage was performed by the petitioners, who are her parents on 07.02.2021. The victim girl was minor at the time of marriage. Hence, the complaint.

3. Reading of the statement of victim under Section 164 Cr.P.C shows that on her own wish, she went out of the village along with the first accused and got married at Nariyankudi temple. After that they were living separately and she became pregnant. Later, trouble arose between them and she was driven out from her matrimonial home.



4. The learned counsel for the petitioners submitted that the first accused has already enlarged on bail and the petitioners are only the parents of victim.

5. In the considered statement of the victim girl, the alleged marriage was performed on her own with with the first accused. She has not stated anything that the marriage was performed in the presence of her parents/petitioners. It is a matter for investigation. Since, the prime accused A1 has already enlarged on bail, the petitioners are only the parents of the victim, 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 Special Court for the Exclusive Trial of Protection of Children from Sexual Offences Act 2012 cases (POCSO), Sivagangai District 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 Judge concerned and the petitioners 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.

8. The petitioners shall appear before the concerned Judge 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/-

20/07/2022

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/07/2022

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

TO

1 THE JUDGE,
SPECIAL COURT FOR THE EXCLUSIVE TRIAL OF
PROTECTION OF CHILDREN FROM SEXUAL OFFENCES
ACT, 2012 CASES (POCSO), SIVAGANGAI DISTRICT

2 THE INSPECTOR OF POLICE
THIRUPPATHUR ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S. BANUMATHY.A Advocate SR.No.7418.

ORDER IN

CRL OP(MD) No.13077 of 2022

Date :20/07/2022