



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

Date : 20/07/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.13055 of 2022

1. Krishnan
2. Kalaivani
3. Jothi
4. Pandiayarajan ... Petitioners/Accused Nos.2 to 5

Vs

The State Rep. By,
The Inspector of Police,
Thirupuvanam Police Station,
Sivagangai District.
Crime No.168 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Arun A.V,
Advocate

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

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

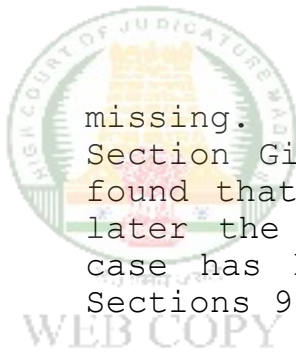
PRAYER :-

For Anticipatory Bail in Crime No.168 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 Girl Missing @ 5(1)(n) r/w 6 of POCSO Act, 202 and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, in Crime No.168 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant's daughter, aged about 17+ was undergoing +2 in Government Higher Secondary School, on 29.05.2022, she was found



missing. Based on the complaint, a case has been registered under Section 304B of the Indian Penal Code for Dowry Death. During the course of investigation, it was found that child marriage was performed by the accused persons and later the victim eloped with the sixth accused. After that, the case has been altered into 5(1)(n) r/w 6 of POCSO Act, 2012 and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006.

3. Reading of the statement of victim under Section 164 Cr.P.C shows that since her grandfather was ill, her marriage was performed by her parents. But she was not interested in the marriage life and she eloped with the sixth accused, stayed with him for three days and from where the respondent Police has secured her.

4. The learned counsel for the petitioners submitted that the petitioners are only the parents of victim and her relatives and they have been falsely implicated in this case.

5. The learned Additional Public Prosecutor submitted that the victim only eloped with the sixth accused.

6. Considering the above facts and circumstances of the case and relationship of the accused persons, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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 Judicial Magistrate, Thirupuvanam, 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 Magistrate 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 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/-
20/07/2022

/ TRUE COPY /

/07/2022

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

TO

1. THE JUDICIAL MAGISTRATE,
THIRUPUVANAM, SIVAGANGAI DISTRICT.

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



2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
THIRUPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.A.V.ARUN, Advocate (SR-7362[I] dated 20/07/2022)

ORDER

IN

CRL OP(MD) No.13055 of 2022

Date :20/07/2022

pnm

USK/SVR/SAR-I/28.07.2022/3P/6C