



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

Date : 25/07/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13386 of 2022

Muniswari,

... Petitioner/Accused No.2

Vs

State Rep.by

The Inspector of Police,

Veerapandi Police Station,

Theni District.

Crime No.234 of 2022.

... Respondent/Complainant

For Petitioner : Mr.N.Jeyaram Sidharth, Advocate.

For Respondent : Mr.R.M. Anbunithi

Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.234 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 9 of Child Marriage Act r/w. 366 IPC r/w. 5(1), 6(1), 19 and 21(1) of POCSO Act in Crime No.234 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the complainant who is the victim stated that she was love with the first accused and that was objected by their parents and hence, they married without the knowledge of the parents. Later, that was brought to the notice of the parents and that was objected by them and the petitioner has also taken to her home. Thereafter, she eloped with the first accused and they were staying somewhere. When they came to the village for temple festival in the month of May 2022, they were secured on the basis of the statement given by the victim.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is the mother of the victim and she has objected the marriage and she only took the girl to her house and thereafter, only the victim girl eloped with the first accused.



4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the child marriage was not intimated by the petitioner to the police and hence, she was included as accused.

5. Considering the facts and circumstances and also considering the statement given by the victim 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 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/-
25/07/2022

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/07/2022

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

TO

- 1 THE JUDGE,
MAHILA COURT, THENI.
- 2 THE INSPECTOR OF POLICE
VEERAPANDI POLICE STATION,
THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.JEYARAM SIDHARTH, Advocate (SR-7763[I] dated 27/07/2022)

ORDER
IN
CRL OP(MD) No.13386 of 2022
Date :25/07/2022

trp

<https://www.court.gov.in/CJP-2/29.07.2022/2P/5C>