



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/07/2022
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13649 of 2022

Rathinammal

... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station, Aundipatti,
Theni District.
Crime No.12 of 2022.

... Respondent/Complainant

For Petitioner : Mr.P.Senguttuarasan, 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.12 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Section 9 of Prohibition of Child Marriage Act, 2006 and Sections 5(1), 5(j)(ii) and 6 of Protection of Child from Sexual Offences Act, 2012, in Crime No.12 of 2022 on the file of the respondent police.

2.The case of the prosecution is that the defacto complainant, who is the mother of the victim girl, lodged a complaint stating that on 20.09.2020 at about 06.00 pm., when the victim girl was alone in the house, the accused person alleged to have tied Thali, had taken the victim girl to his house and had sexual intercourse with her, over which the defacto complainant scolded the victim girl. So, the victim girl went to the parental home of the accused person. Later, it appears that she returned to the house and later, the victim girl delivered a child, who is now aged about 1½ years. The accused returned to the house on 30.06.2022. Only on that occasion, now the case has been registered.

3.The learned Additional Public Prosecutor for the respondent would submit that the 1st accused was arrested and remanded to judicial custody. The petitioner herein is the mother of the 1st accused. It has been stated in the complaint that the victim girl went to the petitioner's house, when she was scolded by the defacto



4. Considering the fact that it is an old issue, the victim girl has delivered a child and the 1st accused has been arrested and remanded to judicial custody, this Court is inclined to grant anticipatory bail to the petitioner.

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5. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the Special District Mahila Court, (POCSO Act Cases), 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.

6. 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 shall stand dismissed.

sd/-

28/07/2022

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/08/2022

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 DISTRICT MAHILA COURT, (POCSO ACT CASES), THENI

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, AUNDIPATTI, THENI DISTRICT.

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

+1. C.C. to Mr.P.Senguttuarasan, Advocate SR.No.7971.

ORDER IN

CRL OP(MD) No.13649 of 2022

Date :28/07/2022

MM

<https://www.mhjudiciary.org.in/10.08.2022/2P/5C>