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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.14168 of 2022

Elathal

... Petitioner/Accused No.4

Vs

State rep.by

The Inspector of Police,
Palayanur Police Station,
Sivagangai District.
(Crime.No.29 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Erulapparaja.M, 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.29 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.4, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 5(1), 5(m), 5(j)(ii) and 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9 and 10 of the Prohibition of Child Marriage Act, in Crime No.29 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. Earlier anticipatory bail application filed by the petitioner with co-accused came to be withdrawn. After the surrender of the first accused, this petition came to be filed.

3. Reading of the CD file shows that the victim girl is close relative of the first accused. They were in love for some time. Even though, the victim girl was aged about 15 plus, the marriage was



performed by both the family members knowing fully well that she was under age.

4. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

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5. 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 Special Court for POCSO Act Cases, Sivagangai, 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 stands dismissed.

Sd/-
25/08/2022

/ TRUE COPY /

/09/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss

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 SPECIAL JUDGE FOR
POCSO ACT CASES, SIVAGANGAI.

2. THE INSPECTOR OF POLICE,
PALAYANUR POLICE STATION,
SIVAGANGAI DISTRICT.



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

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+1. CC to M/S. ERULAPPARAJA.M Advocate SR.No.9212

ORDER
IN
CRL OP (MD) No.14168 of 2022
Date :25/08/2022

SP/SVR/SAR IV/06/09/2022/3P/5C