



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13912 of 2022

1. Ramar
2. Kalaivani

... Petitioners/Accused No.2 & 3

Vs

State Rep.by
The Inspector of Police,
T.Kallupatti Police Station,
Madurai District.
Crime No.161 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Vadivelan T, Advocate.
For Respondent : MR.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

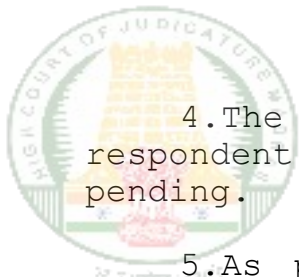
For Anticipatory Bail in Crime No.161 of 2022 on the file of the Respondent Police.

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 Section 376(3) IPC and Section 5(i), 5(i)(ii), 6, 16, 17 of POCSO Act and Section 9 of Prohibition of Child Marriage Act, 2006 in Crime No.161 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the officer of the Social Welfare Department, who made an enquiry with regard to the alleged child marriage. At the time of enquiry, the victim girl informed them that she was love with the first accused for 1 ½ years and that A1 had intercourse with her for the six months on promising to marry her. Because of the same, she became pregnant. When the parents came to know that they have scolded her and thereafter, she went to the first accused. After some time, the victim returned to the parental home and they accepted her. Now, the accused herein are parents of the victim girl.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case



4.The learned Government Advocate (Crl. Side) the respondent police submitted that the investigation of the case is pending.

5.As per the statement of victim it is seen that originally when the victim's love affair with A1, was noticed the petitioners herein scolded her and on her own volition only she went out of the house with the first accused and later, returned to the parental home.

6.Considering the limited allegation against the petitioners and that nowhere stated that the petitioners were actively involved in the above said child marriage, 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 Sessions Judge, Special Court for Exclusive Trial Cases under POCSO Act, Madurai 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/-

02/08/2022

/ TRUE COPY /

/08/2022

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

TO

- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL CASES UNDER POCSO ACT, MADURAI.
- 2 THE INSPECTOR OF POLICE, T.KALLUPATTI POLICE STATION,
MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.13912 of 2022
Date :02/08/2022

TRP

RS/JM/SAR.2 (05.08.2022) 2P-4C

<https://www.mhc.tn.gov.in/judis>