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

Date : 05/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.14178 of 2022

Marimuthu ... Petitioner/Sole Accused

Vs

State rep.by
The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.
(Crime No.579 of 2021). ... Respondent/Complainant

For Petitioner : M/s.Mani Anandh P, 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.579 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 376, 376(2) (n) IPC and Section 5(1) and Section 6 of Protection of Child from Sexual Offences Act, 2012 and Sections 9 and 10 of Prohibition of Child Marriage Act, 1929 in Crime No.579 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the victim was aged about 16 years and she got married to the petitioner on 08.06.2019 and thereafter, it appears that one female child was born on 10.03.2021. On the basis of the above said complaint, a case has



been registered against the petitioner on 15.03.2021 in the Koda Police Station and thereafter, it was transferred to Tamil Nadu Police and re-numbered as Crime No.579 of 2021.

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 they are living together and the child is with them. Because of the pendency of the FIR there was a trouble between them.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that it is a child marriage between the victim and the accused and the investigation of the case is pending.

5. Considering the fact that both the victim and the petitioner are living together along with child, the custodial interrogation of the petitioner may not be necessary. Hence, 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 Special Court for POCSO Act Cases, Tirunelveli 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/-
05/08/2022

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/08/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



- TO
1. THE SPECIAL JUDGE FOR
POCSO ACT CASES, TIRUNELVELI.
 2. THE INSPECTOR OF POLICE,
SIVAGIRI POLICE STATION,
TENKASI DISTRICT.
 3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.14178 of 2022
Date :05/08/2022

SP/JM/SAR IV/16/08/2022/3P/4C