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CRL OP(MD). N



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

Date : 10/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14310 of 2022

Sankar Ajay, ... Petitioner/Accused No.1
Vs

State Rep by
The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
(Crime No.168 of 2022)..

... Respondent/Complainant

For Petitioner : M/s.Mariyappan K,
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.168/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.1, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 of I.P.C, Section 9 & 10 of Prohibition of Child Marriage Act, 2006, and Section 5(i)(j)(ii), 6 of POCSO Act, in Crime No.168 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is the father of the victim girl lodged a complaint stating that the victim girl, who is aged about 15 was taken to the maternal grand mother's house and there, she was married to one Anbu without the knowledge of the defacto complainant and his wife. On coming know about the above said illegal marriage, the defacto complainant questioned the same and at that time, this petitioner along with the accused joined together and caused assault. Based upon the



above said complaint, present case has been registered against the accused persons.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the petitioner herein is the cousin of the victim girl. Accused No.2 & 3 were already released on anticipatory bail by this Court in Crl.OP(MD)Nos.10244 & 10247 of 2022 dated 29.06.2022. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor for the respondent police submitted that this petitioner only arranged the marriage to the victim girl with the fourth accused.

5. Reading of the CD file shows that the victim girl had love with the fourth accused. Without minding the date as well as the age of the victim girl, marriage was performed to them. Now, the victim girl has given birth to a child.

6. In view of the above said development, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 POCSO Act Cases, Madurai, 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.

8. 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/-
10/08/2022

/ TRUE COPY /

/08/2022
Sub-Assistant Registrar (C.S.)
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 Judge, Special Court POCSO Act Cases,
Madurai.
2. The Inspector of Police,
Y.Othakadai Police Station, Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.MARIAPPAN, Advocate (SR-8353[I] dated 10/08/2022)

ORDER
IN
CRL OP(MD) No.14310 of 2022
Date : 10/08/2022

TR/SVR/SAR-II(17.08.2022) 3P 5C