



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP (MD) . No.14446 of 2022

WEB COPY

1. Kaliyammal
2. Vellaichamy

... Petitioners/2nd & 3rd Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Virudhunagar District.
(Crime No. 10 of 2022).

... Respondent/Complainant

For Petitioners : M/s.POORNACHANDRAN.S,

For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor

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

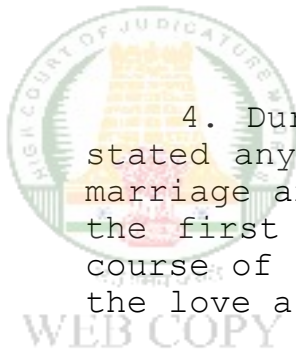
PRAYER :- For Anticipatory Bail in Crime No. 10 of 2022 on the file of the Respondent police.

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(2)(n) IPC, Sections 7, 8, 5(1), 5(j)(ii), 6, 16, 17 of POCSO Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006, in Crime No.10 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 21.11.2021, the victim and the first accused married each other, without the knowledge of their parents. The said marriage was accepted by their parents on 25.11.2021 and the victim was taken to her parental home and there the first accused had sexual intercourse with the victim girl, in which, the victim became pregnant and admitted in the hospital for delivery. From enquiry, it is found that the victim was 15 years at the time of marriage. Hence, the complaint was lodged by the Social Welfare Officer.

3. The learned counsel for the petitioners submitted that the petitioners are only the parents of victim and they did not have the knowledge about the love affair and the marriage.



4. During the course of investigation, the victim girl stated anything to the effect that these petitioners accepted their marriage and taken them to their home. Not only the victim but also the first accused had given a contradictory statements during the course of investigation. These petitioners are noway connected with the love affair and their marriage.

5. Considering the limited role played by the petitioners and the petitioners are only the parents, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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 learned Special Court for the Exclusive Trial of Protection of Children from Sexual Offences Act 2012 cases (POCSO), Srivilliputhur, Virudhunagar District 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 Judge 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.

7. The petitioners shall appear before the concerned Judge 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/-

11/08/2022

/ TRUE COPY /

/08/2022

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

TO

- 1 THE JUDGE,
SPECIAL COURT FOR THE EXCLUSIVE TRIAL OF PROTECTION OF
CHILDREN FROM SEXUAL OFFENCES ACT 2012 CASES(POCSO),
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.14446 of 2022
Date :11/08/2022

PNM

<https://www.pnm.org.in/dis> 2/25.08.2022/2P/4C