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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 02/09/2022
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14974 of 2022

Muthumari

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Alangulam,
Tenkasi District.
(Crime No.18/2022).

... Respondent/Complainant

For Petitioner : Mr.SASIDHARAN TAMILKANI.S.T., Advocate.
For Respondent : Mr.B.THANGA ARAVINDH,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.18 of 2022

ORDER : The Court made the following order :-

The petitioner is facing charges under Section 366 IPC, Section 6 r/w 5(i), 5(j)(ii) of POCSO Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006 in Crime No.18 of 2022 on the file of the respondent police.

2.The case of the prosecution is that the defacto complainant lodged a complaint stating that she received an information that the victim girl is aged about 17 plus and she married the petitioner on 03.04.2022. After the aforesaid marriage, they were living together and the victim girl was 4 months pregnant. On receiving the aforesaid information, she made enquiry and it was revealed that the aforesaid marriage was performed as stated above. So, on the basis of the aforesaid enquiry, she filed a complaint, over which the present complaint has been registered.

3.During the course of investigation, the statement of the victim girl was recorded and she stated in the statement that she was in love with the petitioner herein, but some other marriage arrangement was proposed for the accused. So, she voluntarily left



her paternal home and on 03.04.2022, under the compulsion of, the marriage was performed. On coming to know about the aforesaid marriage, both side parents did not accept the same. Later, she became pregnant and at that time, the aforesaid enquiry was made by the Social Welfare Officer.

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4. Considering the fact that the victim girl was aged about 17 plus at the time of occurrence, at her compulsion, the accused married her and now, the aforesaid marriage and the paternity of the child is not disputed by the petitioner, no purpose is going to be served by subjecting the petitioner to custodial interrogation and medical examination also.

5. The learned counsel for the petitioner would submit that after completing the age of 18, the petitioner is ready to take the victim girl to his house.

6. On the basis of the aforesaid undertaking, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the Special Court for Exclusive trial of cases under the POCSO Act, Tirunelveli District, 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 shall stand dismissed.

sd/-

02/09/2022

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

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 FOR EXCLUSIVE TRIAL OF CASES
UNDER THE POCSO ACT,
TIRUNELVELI DISTRICT.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ALANGULAM,
TENKASI DISTRICT.

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

+1. CC to M/S.SASIDHARAN TAMILKANI S T Advocate SR.No.9554

ORDER

IN

CRL OP(MD) No.14974 of 2022
Date :02/09/2022

MM

SA/SVR/SAR.1/14.09.2022/3P/5C