



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14532 of 2022

1. Gomathi,

2. Rakku,

... Petitioners/Accused No.2&3

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Samayanallur,
Madurai District.
(Crime No.12/2022)..

... Respondent/Complainant

For Petitioner : Mr.M.Pitchai Muthu, Advocate.

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

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

PRAYER :-

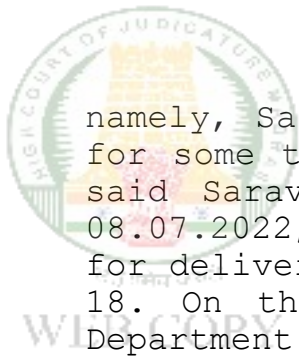
For Anticipatory Bail in Crime No.12/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.2 & 3, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 9 & 10 of the Prohibition of Child Marriage Act, 2006 r/w 5(I), 5(j)(ii) and 6 of POCSO Act, 2012, in Crime No.12 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 victim. She was studying 10th standard. After completing 10th standard, she stayed in her house and used to visit her aunt house. On the above said recession, she fell in love with the accused

<https://www.mhctn.gov.in/>



namely, Saravanan and thereafter, they continued their relationship for some time. She was subjected to forcible marriage by the above said Saravanan and thereafter, she started to live together. On 08.07.2022, she was admitted in the Government Hospital, Didndigul, for delivery. During that time, it was found that she was aged below 18. On that ground, information was sent to the Social Welfare Department. Upon which, a lady police visited the hospital, where she was admitted for delivery. Based upon that, complaint has been registered against the accused persons and the first accused was arrested on 11.07.2022 and released on regular bail by this Court, on 12.08.2022.

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) for the respondent police submitted that the first petitioner is the mother of the first accused and the second petitioner is the mother of the victim girl.

5. Considering the facts and circumstances of the case and also considering the fact that limited role alleged against these petitioners in arranging and performing the above said marriage, 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 Sessions Judge, Principal Special Court for Trial of 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.

7. 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/-
12/08/2022

/ TRUE COPY /

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



TO

1 THE SESSIONS JUDGE
PRINCIPAL SPECIAL COURT FOR TRIAL OF CASES
UNDER POCSO ACT, MADURAI.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SAMAYANALLUR,
MADURAI DISTRICT

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

ORDER

IN

CRL OP(MD) No.14532 of 2022

Date :12/08/2022

PKP/JM/SAR-2/25.08.2022/3P/4C