



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.14558 of 2022

1. Shanmugam
2. Vijayalakshmi
3. Raja
4. Rajathi

... Petitioners/Accused
No.2 to 5

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Orathanadu,
Thanjavur District.
(Crime No.3 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Ganapathi Subramanian.P,
Advocate.

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

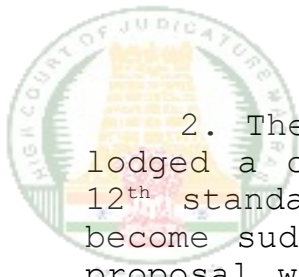
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.3 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.2 to 5, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 5(1), 6 and 9 of the Protection of Child from Sexual Offences Act, 2012 and Sections 9 & 10 of Prohibition of Child Marriage Act, 2006, in Crime No.3 of 2022 on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that the defacto complainant lodged a complaint stating that when the victim girl was studying 12th standard, who is the defacto complainant, her maternal uncle become suddenly ill. Because of the above said situation, marriage proposal was made and that was also decided urgently and performed on 27.01.2022. She was married to the first accused namely, Murugananthamm, who is the son of her maternal uncle. After that, she was subjected to sexual intercourse. Hence, she become pregnant. When she was admitted in the hospital for delivery, on knowing that she was under age, the above said information was sent to the Social Welfare Department. The Social Welfare Officer visited the victim girl and enquired about the occurrence. Seeking anticipatory bail the accused No.2 to 5 before this Court. During the pendency of this petition, the first petitioner namely, Shanmugam was arrested and remanded to judicial custody and the accused No.2 to 5 are before this Court.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

4. Considering the facts and circumstances of the case and also considering the fact that because of the above said situation of sudden illhealth of the maternal uncle, the marriage was arranged and conducted and limited role that has been played by the petitioners 2 to 4, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4.

5. Accordingly, this Criminal Original Petition is allowed and the petitioners 2 to 4 are ordered to be released on bail in the event of arrest or on their appearance, before the learned Special Court for Sexual Offences Against Child, Thanjavur District, on condition that the petitioners 2 to 4 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 2 to 4 shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners 2 to 4 shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioners 2 to 5 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.

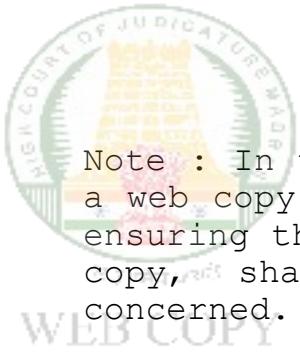
Sd/-

25/08/2022

/ TRUE COPY /

/09/2022

Sub-Assistant Registrar (C.S.II)
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 SPECIAL JUDGE FOR
SEXUAL OFFENCES AGAINST CHILD,
THANJAVUR DISTRICT.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ORATHANADU,
THANJAVUR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.14558 of 2022
Date :25/08/2022

SP/SVR/SAR II/06/09/2022/3P/4C