



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

Date : 25/08/2022

PRESENT

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The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15228 of 2022

Esakkipandi

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Muneerpallam Police Station,
Tirunelveli District.
(Crime No. 203 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Sathya Chidambaram.S,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Government Advocate (Crl.Side)

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

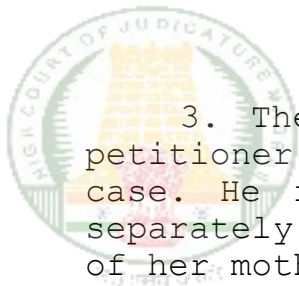
PRAYER :-

For Anticipatory Bail in Crime No.203 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 9 of Prohibition of Child Marriage Act, 2006 and Section 6, 5(L) of POCSO Act, in Crime No.203 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the Social Welfare Officer. On information from the Government Medical College Hospital, Tirunelveli, she made enquiry. During the course of enquiry, it was found that the victim girl is 16 plus at the time of the alleged marriage and she was in love with the petitioner. Over that, marriage was also performed on 21.02.2021. Later, that was not liked by both sides family. After the above said marriage, they were living separately and now, she is 9 months pregnant. So, on the basis of the above said information, case has been registered.



3. The learned counsel for the petitioner submitted the petitioner is innocent and he has been falsely implicated in this case. He further submitted that after marriage, they were living separately. Baby has also been born and now, she is in the custody of her mother.

WEB COPY

4. It is seen that now, a baby child was born and also died. The marriage is not disputed and the paternity is also not disputed. The custodial interrogation may not be required. Now, the investigation is going on and the petitioner is to undergo the trial process. On that ground, this Court is inclined to grant anticipatory bail to the petitioner.

5. 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 District and Sessions Judge Special Court for POCSO Act Cases, 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.

6. 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/-

25/08/2022

/ TRUE COPY /

/09/2022

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 DISTRICT AND SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI DISTRICT.



2. THE INSPECTOR OF POLICE,
MUNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.S.SATHIYA CHIDAMBARAM, Advocate (SR-9042[I] dated
25/08/2022)

ORDER

IN

CRL OP(MD) No.15228 of 2022

Date :25/08/2022

dss

USK/VR/SAR-I/06.09.2022/3P/5C