



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15474 of 2022

Eswari

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
North Police Station,
Cumbum,
Theni District.
Crime No.248 of 2022.

... Respondent/Complainant

For Petitioner : Mr.Eswaran M,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor
(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.248 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 9, 10 of Prohibition of Child Marriage Act, 2006 and Section 5(1), 6 and 17 of POCSO Act, 2012, in Crime No.248 of 2022 on the file of the respondent police.

2.The case of the prosecution is that the defacto complainant has lodged a complaint stating that after the death of his first wife, he performed second marriage and was living with her. The victim girl was brought up by her mother-in-law, who is the petitioner. He came to know that on 18.05.2022, marriage was performed between the victim girl and the 1st accused. When he made an enquiry, she revealed that his mother-in-law arranged the



aforesaid marriage in her house. Based upon the aforesaid /, the case has been registered, on the basis of the complaint given by the father of the victim girl.

3.The learned counsel for the petitioner would submit that the petitioner is the mother of the 1st accused, who is the grandmother of the victim girl also. Because of the situation of the victim girl, it appears that the marriage was performed knowing fully well that she was under age. The 1st accused has been arrested and remanded to judicial custody.

4.Considering the circumstances, in which the aforesaid marriage was performed, this Court is inclined to grant anticipatory bail to the petitioner.

5.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on her appearance, before the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Theni, 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 shall stand dismissed.

sd/-

30/08/2022

/ TRUE COPY /

08/09/2022

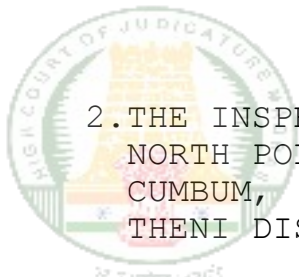
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MM

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 SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM (FAST TRACK MAHILA COURT),
THENI.



2.THE INSPECTOR OF POLICE,
NORTH POLICE STATION,
CUMBUM,
THENI DISTRICT.

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

+1. CC to M/S.ESWARAN M Advocate SR.No.9375

ORDER

IN

CRL OP(MD) No.15474 of 2022

Date :30/08/2022

RK/SVR/SAR-IV (08/09/2022) 3P/5C