



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

Date : 22/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.17026 of 2022

WEB COPY

1. Nallu
2. Selvi

... Petitioners/Accused No.2&3

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
Crime No.23 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Balakrishnan.T,
Advocate

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

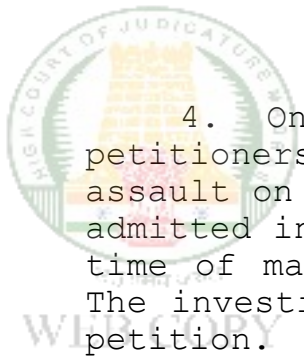
For Anticipatory Bail in Crime No. 23 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence under Sections 366 IPC, 5(i)(ii) r/w 6, 17 of POCSO Act, 2012 and 9 of Child Marriage Act, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first accused married the victim/defacto complainant, who was minor with the help of A1's parents/petitioners and A1 had physical relationship with the defacto complainant, thereby she gave birth to a male child. Hence, the complaint.

3. On the side of the petitioners, it is stated that the petitioners are innocent and had not committed any such offence, as alleged by the prosecution. The petitioners are parents of first accused. They were noway connected with the offence and at the time of marriage, they were not present in the occurrence place. A false case has been foisted against them. Hence, prays to release them on anticipatory bail.



4. On the side of prosecution, it is stated that the petitioners are parents of A1 and A1 had committed aggravated sexual assault on the defacto complainant. When the defacto complainant was admitted in the hospital, it came to know that she was minor, at the time of marriage and she gave a birth a male child on 20.08.2022. The investigation is not yet completed. Hence, prays to dismiss the petition.

5. Considering the gravity of offence against the petitioners and the age of the victim and also considering the stage of the investigation, this Court is not inclined to grant anticipatory bail to them.

6. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
22/09/2022

/ TRUE COPY /

/09/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
UTHAMAPALAYAM,
THENI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17026 of 2022
Date : 22/09/2022

pnm
USK/SBN/SAR-II/26.09.2022/2P/3C