



WEB COPY



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

Date : 28/11/2022

PRESENT

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

CRL OP(MD) . Nos.21009 and 21008 of 2022

1. A.Murugan
2. T.Arumugam
3. A.Meenatchi

... Petitioners/Accused 1 to 3
(in Crl.O.P. (MD) No.21009 of 2022)

Priya

... Petitioner/Accused-5
(in Crl.O.P. (MD) No.21008 of 2022)

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.
(Crime No.29 of 2022).

... Respondent/Complainant
(in both Petitions)

In both Petitions:

For Petitioners : M/s.Arumugam P, Advocate.

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

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.29 of 2022 on the file of the Respondent Police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 to A3 and A5, who apprehend arrest at the hands of the respondent police for the offence under Sections 5(1) r/w 6 of POCSO Act 2012 and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 in Crime No.29 of 2022 seek anticipatory bail.



2.The case of the prosecution is that the first petitioner/A1 and the victim girl were in love and on 30.10.2022, A1 got married the victim girl with the help of other petitioners. Based upon the complaint given by the Social Welfare Officer, Sivagangai, the present case has been registered against the petitioners.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the victim girl was aged about 17 years at the time of marriage. 164 statement of the victim girl is not yet recorded and the investigation is in preliminary stage. Hence, he prayed for dismissal of these petitions.

5.Considering the gravity and nature of the offence and also considering the fact that 164 statement of the victim girl is not yet recorded and the investigation is in preliminary stage, this Court is not inclined to grant anticipatory bail to the petitioners.

6.Accordingly, these Criminal Original Petitions are dismissed.

Sd/-

28/11/2022

/ TRUE COPY /

/12/2022

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

SJI

TO

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

ORDER

IN

CRL OP(MD) . Nos.21009
and 21008 of 2022

Date :28/11/2022

SP/SSS/SAR III/08/12/2022/2P/3C