



CRL OP(MD). Nos.13748 & 13750 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). Nos.13748 & 13750 of 2023

Vicneshvaran.R,

... Petitioner/Petitioner/ Accused 1
in Crl.O.P.(MD).No.13748 of 2023

1.Tharani,

2.M.Selvamani,

3.Rajaram,

4.Nagarani

... Petitioners/Petitioners/ Accused 2 to 5
in Crl.O.P.(MD).No.13750 of 2023

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Shanarpatti,
Dindigul District.
(In Crime No.56 of 2023).

... Respondent/Respondent/ Complainant
in both petitions.

IN BOTH PETITIONS:

For Petitioner : M/s.SATHYA CHIDAMBARAM.S,
Advocate.

For Respondent : Mr.B.NAMBISELVAN,
Additional Public Prosecutor

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



CRL OP(MD). Nos.13748 & 13750 of 2023

PRAYER :- For Anticipatory Bail in Crime no.56 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 5, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 366 of IPC r/w Sections 9 and 11 of Child Marriage Act, 2006 and Section 5(1)(i)(ii)r/w Section 6 of POCSO Act in Crime No.56 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner had kidnapped the minor victim and committed sexual assault on the minor victim girl, due to which, she became pregnant and delivered a male child. It is her further case that after the delivery of their child, the first petitioner married her. Thereafter, the first petitioner along with other family members, drove the victim from the matrimonial home demanding more dowry.

3.Considering the facts and circumstances of the case, by the order dated 28.04.2023 in Crl.O.P.(MD).No.8308 of 2023, the petitioners were granted anticipatory bail with conditions. One of the condition is that the first petitioner should register his marriage with the defacto complainant and produce the Marriage Registration Certificate before the trial Court at the time of furnishing sureties and on Production



WEB COPY

of the same, the learned Magistrate was directed to accept the sureties furnished by the petitioners. Thereafter, extension was also granted on 09.06.2023, to the petitioners to comply the condition within a period of two weeks. The above said order was passed on 09.06.2023. The grievance of the petitioners is that in spite of the above said order also, they could not comply the above conditions, because objection was raised by the Sub-Registrar, to register their marriage. Further, the defacto complainant is also not ready to come with him to register their marriage. On that ground, another petition seeking modification was filed before this Court and the same was dismissed. Therefore, these second anticipatory bail applications have been filed. Second anticipatory bail application is not maintainable.

4.The learned Additional Public Prosecutor would submit that after completing the investigation, final report has been filed before the Special Court and the same was taken cognizance in Spl.S.C.No.571 of 2023.

5.Since it is stated that the final report has been filed before the Special Court, let the petitioners appear before the trial Court and execute bond before the above said Special Court to the satisfaction of the above said powers, since it is stated that the defacto complainant is not living with the first accused.

6.There was a issue with regard to the custody of the child. It is further submitted that in the Jamath compromise was reached, by which, child was handed



CRL OP(MD). Nos.13748 & 13750 of 2023

over to the defacto complainant. In view of the above said development, with the

WEB COPY

above said directions, these criminal original petitions stand disposed of.

sd/-
27/07/2023

/ TRUE COPY /

/08/2023

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

TM

TO

1 THE JUDGE, FAST TRACK MAHILA COURT, DINDIGUL.

2 THE INSPECTOR OF POLICE,

ALL WOMEN POLICE STATION, SHANARPATTI, DINDIGUL DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S.SATHYA CHIDAMBARAM.S Advocate SR.No.11480 & 11481

ORDER IN

CRL OP(MD) No.13748 of 2023

Date :27/07/2023

SA/VR/SAR. /07.08.2023/4P/6C

Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023.