



CRL OP(MD). No.13080 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13080 of 2023

Manikandan

... Petitioner / Sole Accused

Vs

The State rep by
The Inspector of Police,
All Women Police Station,
Pudukkottai,
(In Crime No.7 of 2023)

... Respondent / Complainant

For Petitioner : M/s.D.Rameshkumar, Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.7 of 2023 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 Sections 5(1), 6(1) of



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POCSO Act and Section 9 of prohibition of Child Marriage Act, in Crime No.7 of 2023 on the file of the respondent police, seek anticipatory bail.

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2. The case of the prosecution is that on the basis of the complaint given by one Kannaki, the mother of the victim, this case was registered stating that her daughter was studying 12th standard. After completing 12th standard, she was staying in the house. At that time, on 06.04.2023, she went for purchasing application for higher studies, but did not return. Later on enquiry, came to know that she was in love with the petitioner and went away along with him. They got married in a temple. On 18.06.2023, the defacto complainant received a phone call from the Child Welfare Association that the victim has been brought to the office. But she refused to visit, but later on 06.04.2023, she went to see her daughter. The victim told her that she was married to this petitioner and after that subjected to sexual intercourse. Hence, a complaint was registered.

3. The learned Additional Public Prosecutor would submit that on the date of the alleged marriage, the victim girl was a minor, aged about 17 years. She became pregnant. Only at the time, the complaint came to be registered. Subsequently, the pregnancy was aborted.

4. The learned counsel for the petitioner submitted that even now, he is ready to perform a legal marriage after she attains majority.



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5. It is seen that now she is aged about 17 years and 3 months. Recording the undertaking given by the petitioner and also considering the fact that it is a case of love affair between the petitioner and the victim, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on their appearance, before the learned District and Sessions Judge / Mahila Court, Pudukkottai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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.

7. 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/-
18/07/2023

/ TRUE COPY /

/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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- To
- 1.The District and Sessions Judge,
Mahila Court, Pudukkottai.
 - 2.The Inspector of Police,
All Women Police Station,
Pudukkottai.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.13080 of 2023
Date :18/07/2023

ED/DD/SAR- (28/07/2023) 4P / 4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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