



CRL OP(MD). No.13292 of 2023

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

Date : 01/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13292 of 2023

1.Kalaimani

2.Chinnasamy

3.Kanniyammal

... Petitioners / Accused Nos.1 to 3

Vs

The State rep by
The Inspector of Police,
All Women Police Station,
Kulithalai,
Karur District.
Crime No.8 of 2023.

... Respondent / Complainant

For Petitioners : Mr.Ezhilarasu, Advocate
for M/s.J.Sivaram, Advocate

For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

For Intervener : Mr. S.Jayavel, Advocate

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



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PRAYER :-

For Anticipatory Bail in Crime No.8 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ Accused Nos. 1 to 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 366 of IPC read with Section 5(1) and Section 9,10 of POCSO Act and Section 12 of Child Marriage Act in Crime No.8 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the first petitioner married the victim girl who is aged about 17 years forcibly and both were living in the petitioners' house for some period, thereafter due to the torture of the first petitioner, she went to her parental home. Because of the marriage between the first accused and the victim girl, trouble has arisen between them. Over the issue, these petitioners alleged to have trespassed into the house of the defacto complainant and caused damage to the tune of Rs.1 Lakh.

3. The learned counsel for the petitioner would submit that the petitioner is ready to file an undertaking affidavit that he will not make any trouble either to the victim girl or to the defacto complainant's family and ready to stay away from the place of occurrence.



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4. The learned Government Advocate (Crl.side) would submit that it is family dispute between the parties and no previous case is pending against the petitioners.

5. Considering the facts and circumstances of this case and also considering the willingness of the petitioner to give an undertaking affidavit, this Court is inclined to grant relief to the petitioners. The petitioners are directed to pay a sum of Rs.1,00,000/- (Rupees one Lakh only) to the defacto complainant directly, for repairing the damage caused to the defacto complainant's house by the petitioners.

6. On the basis of the undertaking, let the first petitioner alone, be stay away from the village and stay at Thanjavur and report before the Judicial Magistrate No.1, Thanjavur, until further orders.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or on their appearance, before the learned Additional Mahila Court, Karur and the petitioner No.1 is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.1, Thanjavur, on condition that the petitioners 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 on further condition that the petitioners shall appear before the respondent police daily at 10.30 a.m., until further orders. The petitioners shall comply with the



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condition stipulated under Section 438 Cr.P.C. scrupulously.

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8. The petitioners 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/-
01/08/2023

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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN

To

- 1.The Judicial Magistrate No.I,
Thanjavur.
- 2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Judge,
Additional Mahila Court, Karur.
- 4.The Inspector of Police,
All Women Police Station,
Kulithalai,
Karur District.



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5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.13292 of 2023
Date :01/08/2023

ED/MMS/SAR-IV (14/08/2023) 5P / 6C

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