



CRL OP(MD). No.13488 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13488 of 2023

Rani

... Petitioner / Accused No.2

Vs

State of Tamil Nadu rep by
The Inspector of Police,
All Women Police Station,
Kanyakumari.
Kanyakumari District.
(Crime No.25 of 2023).

... Respondent / Complainant

For Petitioner : M/s.Aravinthan.G, 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.25 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006, in Crime No.25 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the accused persons had performed



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the marriage of minor victim, who is aged about 15 years, with the first accused on 06.07.2023. Hence, the complaint was registered under the Child Marriage Act.

During the course of investigation, it is found that it is a case of kidnapping and the first accused subjected the minor victim to sexual abuse. The accused persons including the petitioner had arranged marriage of victim and the first accused. Thereby, the case was altered into Sections 366, 376 IPC and Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and a false complaint has been foisted against him. It is a love affair between the first accused and the victim. Before the occurrence, the victim has eloped with the petitioner two times. This is the third time, she eloped with the first accused. The petitioner went to search about their whereabouts. Hence, prays to release the petitioner on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the first accused had committed sexual assault and the petitionr and the other accused persons had performed child marriage. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case,



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nature of offence and considering the limited overt act attributed against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judge, POCSO Court at Nagercoil, Kanyakumari District, on condition that the petitioner 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 Judge 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.

8. 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/-
25/07/2023

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

PNM



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To

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1.The Judge,
POCSO Court at Nagercoil, Kanyakumari District.

2.The Inspector of Police,
All Women Police Station,
Kanyakumari, Kanyakumari District.

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

ORDER
IN

CRL OP(MD) No.13488 of 2023

Date :25/07/2023

ED/DD/SAR- (29/07/2023) 4P / 4C

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