



CRL OP(MD). No.13907 of 2023

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

Date : 31/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13907 of 2023

1.C.Ganesan

2.G.Thangammal

... Petitioners / Accused Nos.2 and 3

Vs

The State rep by
The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
(In Crime No. 26 of 2022.)

... Respondent / Complainant

For Petitioners : M/s.P.Saravanan, 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.26 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused Nos.2 and 3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 9, 10 of



CRL OP(MD). No.13907 of 2023

POCSO Act, 2012 read with Section 5(1),5(1)(II) of PCMA 2012, in Crime No. 26 of 2022, 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 the social welfare officer, a complaint has been registered on the ground that on information, she went to the occurrence village and made enquiry and during the enquiry, came to know that the victim was loving the first accused. When that was brought to the notice of the parents of both families, they made objections inspite of that the above said relationship continued. Because of that, on 22.10.2021, at about 9 a.m., marriage was performed between the first accused and the victim. At that time, she was a minor and she became pregnant because of the marriage and on that basis, this case was registered.

3. The learned counsel for the petitioners submitted that the The petitioners herein are the parents of the first accused. The petitioners are innocent and they have been falsely implicated in this case and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl.side) would submit that The first accused went to Dubai. It appears that there was no issue between the victim and the first accused. Only based upon the information given by the defacto complainant, this case has been registered.



CRL OP(MD). No.13907 of 2023

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5. Considering the facts and circumstances of this case and also the fact that it is a family dispute, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on his appearance, before the learned Special Court for Exclusive Trial of Cases under POCSO Act, Madurai 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 Magistrate concerned and the petitioners 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 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/-
31/07/2023

/ TRUE COPY /

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

PNN



CRL OP(MD). No.13907 of 2023

To

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1.The Judge,
Special Court for Exclusive Trial of Cases Under POCSO Act,
Madurai District.

2.The Inspector of Police,
All Women Police Station,
Melur, Madurai District.

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

+1 CC to M/s.P.SARAVANAN, Advocate (SR-11604[I] dated 01/08/2023)

ORDER

IN

CRL OP(MD) No.13907 of 2023

Date :31/07/2023

ED/VR/SAR- (10/08/2023) 4P / 5 C

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