



CRL OP(MD) No.13945 of 2023

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

Monday, the Thirty First day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) No.13945 of 2023

1 PAKKIYALAKSHMI

2 SARAVANAKUMAR

3 SANDILYAN

... PETITIONERS/ ACCUSED  
(RANKS NOT KNOWN)

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
ORATHANADU,  
THANJAVUR DISTRICT.  
CRIME NO.302/2023

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.SARAVANAKUMAR.P, 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.302 OF 2023 ON THE FILE  
OF THE RESPONDENT POLICE



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ORDER : The Court Made the following order :-

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The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 174(3) Cr.P.C. altered into Sections 302 IPC, Sections 5(1) and 6 of POCSO Act, 2012 and Sections 9,10 of Child Marriage Act, 2006, in Crime No.302 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 27.04.2023, at about 05.00 a.m., the defacto complainant noticed that her grand-daughter was lying dead by having a mark in her neck portion in the main-hall of her daughter's house and further, it is alleged that the deceased's husband was also found missing. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that there is no previous case pending against the petitioners. A1 in this case has been arrested and released on bail.

5. The defacto complainant lodged a complaint stating that her granddaughter, who is the daughter of her daughter, has performed Child marriage with the first accused. They were living together for some time. The deceased frequently visited the defacto complainant's house. Whenever, she made enquiry with her



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granddaughter about her life, she did not reveal anything, but used to cry. On 24.06.2023 at about 08.00 p.m., the defacto complainant along with her grandson went to her daughter's house. At that time, the deceased along with her husband went there and stayed in that house on the night. On the next day, her granddaughter was found murdered. On that basis, the above said complaint was registered. During the course of investigation, involvement of these petitioners came to light. It is stated to be that they have performed marriage to the deceased. Therefore, this anticipatory bail petition have been filed on the ground that even as per the allegation that has been made in the FIR, the involvement of the petitioners was not found out. Only limited allegation has been made that they have performed marriage to the deceased.

6.Perusal of CD file also shows that on the particular date of occurrence, the husband and wife were sleeping in the Hall and the defacto complainant along with her grandson were sleeping in the Verandah. It would stated that during the night hours, the first accused caused death to the deceased.

7. Considering the limited overt act attributed against the petitioners, which shows that this petitioners are not involved in the death of the deceased, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the



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learned \* Special Courts in the cadre of District Judge for Exclusive Trial of Cases under POCSO Act, Thanjavur on condition that the petitioners 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 petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

9. 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

(\*)AMENDED AS PER ORDER OF  
THIS COURT DATED 08.09.2023 IN  
CRL MP(MD)NO.11925 OF 2023 IN  
CRL OP(MD)NO.13945 OF 2023

15 DAYS TIME IS EXTENDED TO THE  
PETITIONERS TO COMPLY ABOVE  
SAID CONDITIONS.

/ TRUE COPY /

/09/2023

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

TM

<https://www.mhc.tn.gov.in/judis>



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TO BE SUBSTITUTED WITH THE ORDER DATED 31/07/2023 ALREADY DESPATCHED.

1 SPECIAL COURTS IN THE CADRE OF DISTRICT JUDGE FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT, THANJAVUR.

2 THE JUDICIAL MAGISTRATE, PATTUKKOTTAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.

4 THE INSPECTOR OF POLICE, VATTATHIKOTTAI POLICE STATION,  
THANJAVUR DISTRICT.

5 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
ORATHANADU,  
THANJAVUR DISTRICT.

6 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.KALAIYARASI BHARATHI, Advocate SR-12633

ORDER IN  
CRL OP(MD) No.13945 of 2023  
Date :31/07/2023

RS/MR/SAR-(07.08.2023) 5P 6C

RK (28/08/2023) 5P /7C

ED/VRS/SAR-(14.09.2023) 5P 8C

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