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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14232 of 2023

Manikandan

... Petitioner/ Accused No.3

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Kanyakumari District.
Crime No.25 of 2023..

... Respondent/Complainant

For Petitioner : M/s.Jenifar Bibin R,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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 No.3, apprehending arrest at the hands of the respondent



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police for the alleged offence punishable under Sections 9, 10 of 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 the marriage of minor victim, who is aged about 15 years, with the first accused. Hence, the complaint was registered under the Child Marriage Act.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He is the father of the victim. The accused No.2, who is the mother of the victim was granted anticipatory bail by this Court by the order dated 25.07.2023 in CrI.O.P.(MD).No.13488 of 2023.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the petitioner is A3, the father of the victim.

5. Considering the nature of offence, the petitioner is the father of the victim and the co-accused, who is the mother of the victim, has been released on anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner.



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6. Accordingly, this Criminal Original Petition is allowed and 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, Kanniyakumari 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 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/-

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

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- 1 THE JUDGE,
POCSO COURT AT NAGERCOIL, KANYAKUMARI DISTRICT.
 - 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KANYAKUMARI DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1 CC to M/s.R.JENIFAR BIBIN, Advocate (SR-11834[I] dated 04/08/2023)

ORDER
IN
CRL OP(MD) No.14232 of 2023
Date :04/08/2023

SS/VR/28/08/2023/4P/5C

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