



CRL OP(MD). No.6388 of 2024

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

Date : 25/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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Periyasamy

... Petitioner/Sole Accused

Vs

The Inspector of Police,  
Melur All Women Police Station,  
Madurai District.  
(Crime No.7/2024).

... Respondent

For Petitioner : Mr.C.V.Karthikeyan, Advocate

For Respondent : Mr.M.Sakthi Kumar,  
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.7/2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.07 of 2024, for the offence punishable under Sections 5(l), 5(j)(ii), 6 of POCSO Act, 2012 and Section 9 of the Child Marriage



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Act, 2006, has filed this petition seeking anticipatory bail.

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2. The case of the prosecution is that the petitioner has married the victim girl without the knowledge of her parents and committed sexual assault. Hence, the case has been registered based on the complaint given by the Social Welfare Officer.

3. The learned counsel appearing for the petitioner submitted that the his wife delivered a child in the hospital. Based on the complaint of Social Welfare Officer, a case has been registered as against the petitioner as if, he had married a minor girl. Believing the words of the girl that she was aged more than 18 years, he has married her. The petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the petitioner had married the minor girl and committed sexual assault on her and therefore opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner has married the victim only on the assurance that she was aged more than 18 years, this Court is inclined to grant anticipatory



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bail to the petitioner.

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6. Accordingly, this Criminal Original Petition is ordered and the petitioner is ordered to be released on bail in the event of his arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the concerned Judge on condition that

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties each for a like sum to the satisfaction of the learned Judge, Special Court for POCSO Act Cases, Madurai.

(ii) The petitioner and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(iii) The petitioner shall appear before the respondent police as and when required for interrogation. The petitioner has to co-operate for the investigation.

(iv) The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses.



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(v) On violation of any of the above conditions by the petitioner,  
the respondent police shall move an application for cancellation of the  
anticipatory bail.

sd/-  
25/04/2024

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/05/2024  
Sub-Assistant Registrar  
(C.S.I /II /III /IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

PNM

To

1.The Judge,  
Special Court for POCSO Act Cases,  
Madurai.

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

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

+1 CC to M/s.C.KARTHIKEYAN, Advocate ( SR-4951[I] dated 26/04/2024 )

ORDER  
IN  
CRL OP(MD) No.6388 of 2024  
Date :25/04/2024



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ED/JGB /SAR- (02/05/2024) 5P / 5C

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