



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

Tuesday, the Eleventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21728 of 2018

1 VIJAYA
2 SARAVANAN
3 ILAVARASAN

... PETITIONERS/ ACCUSED No. 3 to 5

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.
(CRIME NO. 318 of 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.SARAVANA KUMAR Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9, 10, 11 of Prohibition of Child Marriage Act, 2006, 5(i) and 6, 7, 8, 17 of Protection of Children from Sexual Offences Act, 2012 (POCSO ACT), in Crime No.318 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners/A3 and A4 are the relatives of the victim. The victim is aged about 17 years. The petitioners and A1 entered into the victim's house and brain washed the victim to marry A1 namely Logeshwaran. Thereafter, A1 and the victim had physical relationship, due to which, the victim was pregnant. Hence the complaint.

3.Heard the learned Additional Public Prosecutor.

4.This Criminal Original Petition is dismissed as withdrawn in respect of first petitioner/A3.

5.Taking note of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners A4



and A5, with certain conditions.

6. Accordingly, the petitioners/A4 and A5 are ordered to be released on bail in the event of arrest or on their appearance, before the learned Mahila Court (FTC), Theni, on condition that the petitioners/A4 and A5 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 said Magistrate concerned and on further condition that:

[a] if the petitioners/A4 and A5 fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners/A4 and A5 shall report before the respondent police daily at 10.30 a.m.

[c] the petitioners/A4 and A5 shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners/A4 and A5 shall not abscond either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners/A4 and A5 released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**. and

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/12/2018

/ TRUE COPY /

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

TO

1 THE MAHILA COURT,
(FAST TRACK COURT), THENI.

2 THE INSPECTOR OF POLICE
RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.



3

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.R.SARAVANA KUMAR Advocate SR.No.23064

WEB COPY

ORDER

IN

CRL OP(MD) No.21728 of 2018

Date :11/12/2018

MSI/PN-AC/SAR-I/14.12.2018-3P/5C