



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

Monday, the Twenty Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1348 of 2018

1 KANDASAMY
2 ESAKKI AMMAL

... PETITIONERS / ACCUSED Nos.2 and 3

Vs

THE STATE OF TAMILNADU
REPRESENTED BY ITS THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TIRUCHENDUR,
TUTICORIN DISTRICT ,
IN CR.NO. 1/2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.G.RADHAKRISHNAN Advocate

For Respondent :Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

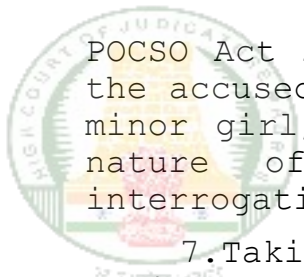
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 9, 10, 11 of Prohibition of Child Marriage Act, 2006 and Section 5(i) r/w 6 of POCSO Act 2012 in Crime No.1 of 2018 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 30.10.2017 the petitioners' son got married with one Kanagalakshmi. At the time of marriage, the age of the said girl is 17 years. Hence, the Social welfare Officer, Alwarthirunagari lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have not committed any offence as alleged by the prosecution and they are no way connected with the offences, and pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submitted that the investigation is still pending.

5.The submissions made by the learned counsel on either side are considered. This case has been registered against the petitioners for offence punishable under Sections 9, 10, 11 of Prohibition of Child Marriage Act, 2006 and Section 5(i) r/w 6 of



POCSO Act 2012. It is alleged that during the time of occurrence, the accused made arrangements for the marriage of their son with the minor girl, who was aged about 17 years old. So, considering the nature of offence committed by the petitioners, custodial interrogation may not be necessary for completing the investigation.

7. Taking all the above said aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Mahila Court, Tuticorin, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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 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]**.

sd/-
29/01/2018

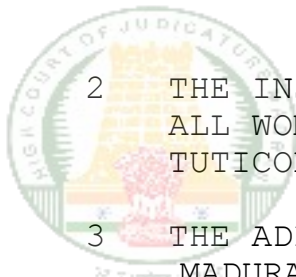
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDGE,

<https://hcservices.ecourts.gov.in/hcservices/> MAHILA COURT TUTICORIN



2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TIRUCHENDUR,
TUTICORIN DISTRICT ,

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

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+1. CC to MR.G.RADHAKRISHNAN Advocate SR.No.1472

JAM/06/02/2018/PM-PN/ SAR 1 / 3P-5C

ORDER

IN

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Date :29/01/2018