



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

Wednesday, the Fourteenth day of March Two Thousand and Eighteen

PRESENT

WEB COPY

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.3993 of 2018

1 S. KANNAN
2 K. AMUTHA
3 P. LAKSHMI
4 M. VELMANI

... Petitioner/Accused No.2 to 5

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI DISTRICT.,
IN CR.NO. 6/2018.

... Respondent/Complainant

For Petitioner : M/S.G.KARUPPASAMY PANDIYAN, Advocate

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

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

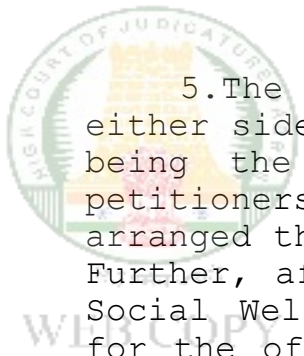
ORDER : The Court Made the following order :-

The petitioners/A-2 to A-5, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 9,10,11 of Child Marriage Act and Section 5(i) & 6 of POCSO Act in Crime No.6 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are alleged to have made arrangements of marriage between the first accused and the victim girl, who is aged about 16-1/2 years. Hence, a case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that investigation is still pending.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that the fourth petitioner being the mother of the victim girl, the first and second petitioners being the parents of the first accused in this case, arranged the marriage between the first accused and the victim girl. Further, after completing six months from the date of marriage, the Social Welfare Officer lodged a complaint against the petitioners for the offence of Child Marriage Act. Admittedly, the petitioners are residing in a village near to Madurai City. So, considering the facts and circumstances of the case, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, 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 Judge, Madurai District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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. for a period of three weeks and thereafter, as and when required for interrogation.
- (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/-
14/03/2018

/ TRUE COPY /

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



TO

1 THE MAHILA JUDGE,
MADURAI DISTRICT.

2 THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to M/S.G.KARUPPASAMY PANDIYAN Advocate SR.No.4107.

ORDER

IN

CRL OP(MD) No.3993 of 2018

Date :14/03/2018

SDS/MM-PN/SAR.4/16.03.2018/3P/5C