



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

Monday, the Twenty Sixth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4647 of 2018

1 ARUMUGATHAMMAL

2 KOTTAI IYYANAR @ IYYAPPAN

... PETITIONERS/ACCUSED 2 & 3

Vs

STATE REPRESENTED BY

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION, PUDUKKOTTAI,

IN CR.NO. 13/2017

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.V.MALAIYANDRAN Advocate

For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

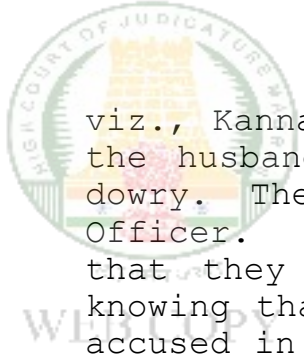
The petitioners, who are arrayed as accused nos.2 and 3, apprehending arrest at the hands of the respondent police for the offence punishable under Section 9 of the Prohibition of Child Marriage Act @ Sections 9 to 11 of the Prohibition of Child Marriage Act and Section 6 of POCSO Act, 2012, in Crime No.13 of 2017, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and other accused are said to have arranged the marriage for a minor girl. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, the petitioners and other accused arranged the marriage of the victim girl viz., Santhi, aged about 17 years with the A1



viz., Kannadasan, aged about 45 years. Subsequent to the marriage, the husband of the victim girl ill-treated her and demanded more dowry. The alleged complaint was lodged by the Child Welfare Officer. The only allegation leveled against the petitioners is that they have arranged the marriage of the victim girl, after knowing that the victim is aged about 17 years. Further, the other accused in this case have already released on bail. Considering the facts and circumstances of the case, this Court came to the conclusion that the custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioners.

6. Accordingly, the petitioners 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 Judicial Magistrate No.III, Thoothukudi, 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 2nd petitioner shall report before the respondent Police daily at 10.00 a.m. until further orders. Since the first petitioner is aged about 80 years, she shall report before the respondent Police 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/-
26/03/2018

/ TRUE COPY /



trp
TO

1 THE JUDICIAL MAGISTRATE NO.III, THOOTHUKUDI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PUDUKKOTTAI,

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

+1. CC to M/S.V.MALAIYANDRAN, Advocate SR.No.4763

GJM/CM/VR/SAR-I-3.4.18-3P-6C

ORDER

IN

CRL OP(MD) No.4647 of 2018

Date :26/03/2018