



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

Friday, the Twelfth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.602 of 2018

1 CHANDRAN
2 CHITRA

... PETITIONERS / RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TIRUCHENDUR,
THOOTHUKUDI DISTRICT
(CRIME NO.1 OF 2018)

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.N.PRAGALATHAN 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/Rank not known, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 9,10,11 of the Prohibition of Child Marriage Act, 2006 and Sections 5,6 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.1 of 2018, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that on 30.10.2017, one Ayyamperumal got married the petitioners' daughter Kanagalakshmi. It was arranged by the elders of the family members. After the marriage, they started their life at the matrimonial home. But, at the time of the marriage, the age of the petitioners' daughter is 17 years. Hence, the Welfare Officer, Alwarthirunagari gave a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons. He further submitted that the petitioners are ready to abide any condition imposed by this Court. Moreover, the Sections 5,6 of the Protection of Children from Sexual Offences Act, 2012 is not applicable to the petitioners herein. Hence, he prays for anticipatory bail.



4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that investigation is not completed.

5. Considering the submissions made on either side, it disclose that the offences under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006 and Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012, has been registered against the petitioners. It is alleged that during the time of occurrence, the accused being the parents, making arrangements for the marriage of their daughter, who aged about 17 years. So, considering the nature of offence committed by the petitioners, custodial interrogation is not necessary for completing the investigation. Therefore, the reasons stated above, 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 Judge, Mahila Court, Thoothukudi, 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, 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/-

12/01/2018

/ TRUE COPY /



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TO

1 THE JUDGE, MAHILA COURT, THOOTHUKUDI

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

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

+1. CC to M/S.N.PRAGALATHAN Advocate SR.No.696

GJM/CM/VR/SAR-3-17.1.18-3P-5C

ORDER

IN

CRL OP (MD) No.602 of 2018

Date :12/01/2018