



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

Friday, the Twenty Fourth day of August Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice N.ANAND VENKATESH**

**CRL OP (MD) No.15052 of 2018**

1 K.R.VENKAT RAO  
2 S.J.VENKATESH PRABHU  
3 K.S. DEVI

... PETITIONER/ACCUSED  
RANK NOT KNOWN

Vs

STATE REPRESENTED BY ITS,  
THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION,  
THIRUMANGALAM,  
MADURAI DISTRICT,  
CRIME NO. 402/2018

... RESPONDENTS/COMPLAINANT

For Petitioners : MR.T.A.EBENEZER, Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

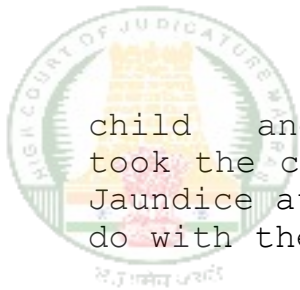
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences under investigation under Section 174 Cr.P.C in Crime No.402 of 2018, seek anticipatory bail.

2.The case of the prosecution is that A1 married the victim girl who was aged about 14 years at the time of marriage. A2 is the mother of the victim girl. The victim girl gave birth to the girl child. This girl child was given to A4 and A5 who were childless couple. This arrangement was made by the first petitioner who is A3. Subsequently the child died in the Government hospital and the same was reported to the Village Administrative Officer who gave complaint to the respondent police and the present case came to be registered.

3. The learned counsel for the petitioners would submit that the petitioners 2 and 3 were married and did not have a child. At that point of time, the first petitioner afforded help to adopt a



child and believing his words, second and third petitioners took the child and unfortunately within the month child died due to Jaundice at the Government hospital. The petitioners have nothing to do with the alleged offence that was committed by A1 and A2.

4. The learned Additional Public Prosecutor would submit that first petitioner who is arrayed as A3 was the person who had stolen the child from the hospital and he has no right to give in adoption. If at all the second and third petitioners wanted to adopt the child, they should have done so in accordance with law by following the procedure. Since the child has died, the respondent police needs to investigate the role played by the petitioners.

5. The main offence has been committed by A1 in marrying the minor girl and A2 in facilitating the said marriage. The role of the petitioners had arisen at later point of time when the first petitioner had facilitated for giving a child in adoption and the second and third petitioners are childless couple. Unfortunately the child died out of Jaundice. Custodial interrogation of the petitioners may not be required and they can be released on anticipatory bail with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Thirumangalam and on their executing 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 learned Magistrate concerned and on further condition that the first and second petitioners shall appear before the respondent police daily at 6.30 p.m for a period of two weeks and third petitioner shall report before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-  
24/08/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM, MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI



3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION, THIRUMANGALAM,  
MADURAI DISTRICT,

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

+1. CC to MR.T.A.EBENEZER Advocate SR.No.16067

ORDER

IN

CRL OP (MD) No.15052 of 2018

Date :24/08/2018

PK/RR/SAR-1/03.09.2018 : 3P/6C