



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

Thursday, the Twenty Second day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20189 of 2018

1.SIMON

2 REJINA MARY

... PETITIONER / ACCUSED nos.2 & 3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PUDUKOTTAI,
TUTICORIN DISTRICT.

(IN CRIME NO. 9 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.V.MALAIYENDRAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

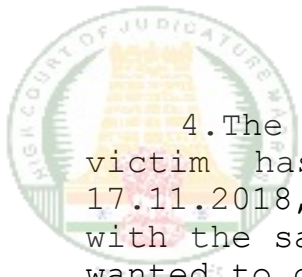
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9 and 10 of the Prohibition of Children Marriage Act and Section 4 of POCSO Act, in Crime No.9 of 2018, seek anticipatory bail.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

3.The case of the prosecution is that the first petitioner is the father of the first accused and the second petitioner is the paternal aunt of the first accused. The victim girl had gone with the first accused namely Ravi and stayed there. The said Ravi and the victim girl was living together for quite sometime. Thereafter, the petitioners herein are said to have conducted a marriage in the village. The victim girl and the first accused were living together as husband and wife for 13 days. A representative from the child line had gone to the village and took up the victim, since she had not attained majority and then registered a complaint.



4.The learned counsel for the petitioners would submit that the victim has given a statement under Section 164 Cr.P.C., on 17.11.2018, wherein she had categorically stated that she had gone with the said Ravi voluntarily and she is still in love with him and wanted to go back with him on attaining majority.

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5.It is submitted by the learned Government Advocate (Crl. Side) that both the families have come to an understanding that as soon as the victim girl attains majority, the marriage would be performed.

6.Considering the facts and circumstances of the case and the fact that this Court granted anticipatory bail to the Accused Nos.4 and 5, this Court is inclined to grant anticipatory bail to the petitioners.

7.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, Tuticorin, on condition that each of the petitioners shall execute 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/11/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO. III,
TUTICORIN.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PUDUKOTTAI,
TUTICORIN DISTRICT

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

+1. CC to MR. V. MALAIYENDRAN Advocate SR.No. 21928

ORDER

IN

CRL OP (MD) No. 20189 of 2018

Date : 22/11/2018

AE/JC/SAR4/30.11.2018/3P/6C