



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

Thursday, the Thirty First day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1536 of 2019

1 M.MARI

2 R.VANASUNTHARI

... PETITIONERS/ACCUSED

RANK NOT KNOWN

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE,
VADIPATTI POLICE STATION,
MADURAI DISTRICT.

(IN CRIME NO.696 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioners : MR.S.MALAIKANI, 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 petitioner, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 9 and 10 of the Child Marriage Restrain Act and Sections 5(1), 6 and 17 of the POSCO Act, in Crime No.696 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that on 23.12.2018 all the accused in the F.I.R. made arrangement for a marriage of Ponlakshmi aged about 17 years and receiving information through child line and one Muthulakshmi lodged a complaint with the respondent police and after enquiry F.I.R. came to be registered.

3.The learned counsel for the petitioners would submit that since the said Ponlakshmi was in love with one Sivapandi and eloped with him and thereafter since there was a dispute between two family and the petitioners have falsely implicated in this case.

4. The learned Government Advocate (Criminal Side) would submit that totally four accused in this case. The petitioners are arrayed as A3 and A4. Already A1 and A2, who are mother and brother of the victim, were arrested and still in judicial custody. Hence, he prays that the petition may be dismissed.



5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court inclined to grant anticipatory bail to the petitioner, with certain conditions:-

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate Court, Vadipatti, and on his 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 :-

[a] If the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] The petitioners report before the respondent Police as and when required for interrogation.

[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/-
31/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, VADIPATTI,
MADURAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI



3 THE INSPECTOR OF POLICE,
VADIPATTI POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to MR.S.MALAIKAN, Advocate SR.No.1976

ORDER
IN
CRL OP(MD) No.1536 of 2019
Date :31/01/2019

LS
PK/JC/SAR-1/08.02.2019 : 3P/6C