



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

Monday, the Fourth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3291 of 2019

1 ANITHA
2 KRISHNAN

... PETITIONERS / ACCUSED No. 4 & 5

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ALANGULAM,
TIRUNELVELI DISTRICT
CRIME NO.3/2019

... RESPONDENT / COMPLAINANT

For Petitioners : MR.M.SANKAR 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/A4 and A5, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 9, 10 and 11 of Prohibition of Child Marriage Act, 2006 and Sections 5(a)(ii) and 6 of POCSO Act and Sections 366 and 376(2)(i) IPC, in Crime No.3 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage of the minor girl was performed by the family members of the minor girl and the family members of A1. After the marriage, the minor girl has become pregnant and while taking treatment, the Doctor informed the same to the Law Enforcing Agency and thereafter, a case was registered for the offences stated above.

3.The learned counsel for the petitioners submitted that the petitioners are sister-in-law and brother-in-law of A1 and they did not commit any offence as alleged by the prosecution and the co-accused viz., A1 and A3 were already arrested and released on bail by the Trial Court and prayed for anticipatory bail to the petitioners.



4.The learned Government Advocate (Criminal side) did not dispute the facts submitted by the learned counsel for the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused viz., A1 and A3 were already arrested and released on bail by the Trial Court, this Court is inclined to grant anticipatory bail 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, Alangulam, Tirunelveli District, on condition that each of them shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall 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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

04/03/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
ALANGULAM, TIRUNELVELI DISTRICT



3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ALANGULAM,
TIRUNELVELI DISTRICT

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

ORDER
IN
CRL OP(MD) No.3291 of 2019
Date :04/03/2019

MS/JC/SAR 4/06.03.2019/4P-5C