



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

Wednesday, the Third day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.5012 of 2019

1 K.RAJAM ... PETITIONER / ACCUSED No. 3

2 G.RATHI DEVI ... PETITIONER / ACCUSED No. 5

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
MADURAI CITY

... RESPONDENT

For Petitioner : M/S.KRISHNASAMY CHINNASAMY 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 apprehends arrest at the hands of the respondent police for the alleged offence under Section 5 (L), Section 6 of The Protection of Children from Sexual Offences Act and Section 9 of The Prohibition of Child Marriage Act, 2006, in Crime No.1993 of 2018, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is paternal grand mother of the deceased, who is 17 years old and she had love affair with one kodi and married him. The petitioners were also present at the place of marriage. Thereafter, the deceased has committed suicide. Therefore, the defacto complainant lodged a complaint against the petitioners before the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that on the date of occurrence, there was a frequent quarrel between the deceased and her parents. Due to this reason, the deceased has committed suicide. The



petitioners were only present at the place of marriage. He would further submit that the co-accused was also released on bail by the Principal Seat at Madras. Hence, he prayed for the anticipatory bail for the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the co-accused was released on bail by the Principal Seat at Madras and there is no previous case against the petitioners.

5. Considering the facts and circumstances of the case and since the co-accused was released on bail by the Principal Seat at Madras, this Court is inclined to grant anticipatory bail to the petitioners. 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 Mahila Court, Madurai District on condition that the petitioner 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 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 photograph 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 and further the petitioners shall appear before the Trial Court each and every hearing;

(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;

the co-accused was released on bail before the Principal Seat at Madras

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

sd/-

03/04/2019

/ TRUE COPY /



1 THE JUDGE
MAHILA COURT, MADURAI

2 THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
MADURAI CITY

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

+2. CC to MR.KRISHNASAMY CHINNASAMY Advocate SR.No.6096

ORDER
IN
CRL OP(MD) No.5012 of 2019
Date :03/04/2019

MSI/PN/SAR 3/08.04.2019/3P-6C