



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

Thursday, the Fourth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5151 of 2019

1 MUTHU @ THUKKAMUTHU
2 SELVI

... PETITIONERS / ACCUSED Nos. 2 & 3

Vs

STATE, REP. BY,
THE INSPECTOR OF POLICE
MUNNERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT
(CR.NO.79 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.A.SANKARARAMASUBRAMANIAN 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 alleged offence punishable under Section 376(iii)h, I.P.C r/w 5(I), J(ii) 6 of POCSO Act and Section 10 of Child Marriage Restraint Act, in Crime No.79 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the first petitioner and the victim girl's mother is the brother and sister. The petitioners' son and the victim girl are loved each other. Both are juveniles. Due to their relationship, victim girl got pregnancy for five months. With the consent of the both family members they got married. Based on the secret information, the defacto complainant, who is the Village Administrative Officer, lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case and they have nothing to do with the alleged offence. He would further submit that the parents of the A1 and the victim girl are



inadvertently performed the marriage of the children due to the victim girl's pregnancy. Hence, he prayed for anticipatory bail for the petitioners.

4. The learned Government Advocate (Crl. side) appearing for the respondent police would submit that there is no previous case against the petitioners and both parents were inadvertently performed the children's marriage due to victim girl's pregnancy, this Court may consider the anticipatory bail of the petitioners.

5. Considering the facts and circumstances and considering the fact that the pregnancy of the victim girl, 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 learned Judicial Magistrate, No.V, Tirunelveli, on condition that 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 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 first petitioner shall report before the respondent police daily at 10.30 a.m., until further orders and the second petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

04/04/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO V
TIRUNELVELI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI

3 THE INSPECTOR OF POLICE
MUNNERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to MR.A.SANKARARAMASUBRAMANIAN Advocate SR.No.6243

ORDER

IN

CRL OP(MD) No.5151 of 2019

Date :04/04/2019

MSI/PN/SAR 3/09.04.2019/3P-6C