



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

Tuesday, the Twenty Third day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5825 of 2019

1 MURUGAN,
2 MURUGESHWARI,

... PETITIONERS / ACCUSED NO.2 & 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
RAJATHANI P.S., THENI DT.
(CRIME.NO.103 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.R.SHANKAR GANESH Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI, Govt. Advocate
(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 9 and 10 of the Child Marriage Restraint Act, 1929 and Section 6 of POCSO Act, 2012 in Cr.No.103 of 2019, on the file of the respondent police, seek anticipatory bail.

2. The petitioner herein are parents of A1. The case of the prosecution is that A1 and his brother's wife sister loved each other and thereafter the petitioners induced A1 to marry the victim girl and the blessing of the elders in the family marriage was performed and they were living together. Based on the information from the Child Welfare Officer, the present case came to be registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and they are innocent persons. He would also submit that without ascertaining the age the marriage was performed.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that now the victim girl is in home and also the marriage was performed only with the blessing of the



elders in the family.

5. Considering the facts and circumstances and considering the fact that they are relatives and the marriage was performed only with the blessings of the elders in the family, 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 Additional Sessions Judge (Mahila Court) Theni 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 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/-
23/04/2019

/ TRUE COPY /

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



TO

1 THE ADDITIONAL SESSIONS JUDGE (MAHILA COURT)
THENI.

2 THE INSPECTOR OF POLICE,
RAJATHANI P.S., THENI DT.

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

+1. CC to Mr. R. SHANKAR GANESH Advocate SR.No.7021

PS/VR/SAR-1/26.04.2019/3P/5C

ORDER

IN

CRL OP (MD) No.5825 of 2019

Date : 23/04/2019