

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.7386 of 2019

1 MURUGAN
2 KARUPPAYE
3 NAGAMMAL
4 KANI
5 MARISELVAM

... PETITIONER / ACCUSED
No.2 to 6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
CHINNAMANUR POLICE STATION,
THENI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.S.VANCHINATHAN Advocate

For Respondent : Mr.R.ANANDARAJ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused No.2 to 6, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 9,10,11 of Prohibition of Child Marriage Act, 2006 and Section 5(1) and 6 of POCSO Act 2012, in Crime No.208 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that on 17.06.2018, the 1st accused Pathinettampadi married the minor girl who aged about 16 years at the time of marriage against the Will of her, in the presence of the parents of minor girl who are the 1st petitioner and the 2nd petitioner herein. Further, he has forcibly having sex with her. The petitioners were participated in the marriage. Hence, the present complaint has been lodged against the petitioners.

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.

4.The learned Government Advocate (Criminal Side) would submit that the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, with the aid of these petitioners, the first accused Pathinettampadian who is the son of the 3rd petitioner, married the victim girl who is aged about 16 years at the time of occurrence. As of now, the first accused arrested and released on bail by the trial Court itself. As far as these petitioners are concerned, there is no specific Overt act is attributed against them except that they gave support to the first accused. Hence, considering the facts and circumstances of the case, the custodial interrogation of the petitioners may not be necessary for completing the investigation. Further, substantial portion of investigation has been completed. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions 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 Judge, Fast Track Mahila Court, Theni District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i)the petitioners as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

(ii)the Petitioners shall report before the respondent police daily at 10.00 a.m., for a period of three weeks and thereafter, as and when required for interrogation.

(iii)the Petitioners shall not tamper with the evidence or witness either during investigation or trial;

(iv) the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trial and in event of the petitioner abscond, the respondent police shall register a case as provided under Section 229-A IPC.

(v)on breach of any of the aforesaid conditions, the 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 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]**.

sd/-
29/05/2019

/ TRUE COPY /

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

TO

1. THE JUDGE,
FAST TRACK MAHILA COURT,
THENI DISTRICT.
2. THE INSPECTOR OF POLICE,
CHINNAMANUR POLICE STATION,
THENI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.VANCHINATHAN Advocate SR.No.8873

ORDER
IN
CRL OP(MD) No.7386 of 2019
Date :29/05/2019

TK/JC/SAR-2/03.06.2019/3P/5C

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