



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8022 of 2019

1.Pandiammal
2.Prasanth
3.Uma
4.Raj Gounder
5.Muthurayar
6.Selvam
7.Pappathi @ Pappu
8.Ananth

... Petitioners 1 to 8/
Accused No. 1 to 8

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Bodinayakanur,
Theni District.
Crime No.5 of 2019.

... Respondent/Complainant

For Petitioners: Mr.A.Prasana Rajadurai Advocate for
M/s.S.Muthalraj, Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For anticipatory bail in cr.no.5 of 2019 on the file of the
respondent police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 506(i)
of IPC and Section 9, 10 and 11 of the Prohibition of Child Marriage
Act and Section 12 of POCSO Act, in Crime No.5 of 2019, seek
anticipatory bail.



2. Heard both sides.

3. The learned counsel appearing for the petitioners has submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that as per the F.I.R, the first petitioner is the mother of the minor victim girl and the defacto complainant is the father of the minor victim girl. The first petitioner performed the marriage of the minor victim girl with 5th petitioner by getting a sum of Rs.1,00,000/-. He further submitted that the petitioners only arranged the victim girls marriage with 5th petitioner and no marriage was performed. He further submitted that the defacto complainant and the 1st petitioner are the husband and wife. Due to some misunderstanding, they are living separately. He further submitted that the defacto complainant suspected that the petitioners 2 & 3 are living together. Hence, he gave a false complaint before the respondent police, and therefore, he prayed for grant of anticipatory bail to the petitioners.

4. Per contra, the Additional Public Prosecutor appearing for the respondent has submitted that the petitioners have performed the victim girl's marriage with 5th petitioner by getting a sum of Rs.1,00,000/-, and hence, he strongly opposed the petition.

6. The learned counsel for the petitioners has submitted that he is withdrawing the petition insofar as the petitioners 1, 2 & 5 are concerned and accordingly, he has also made an endorsement to that effect.

7. Taking into consideration of the aforesaid facts and also the main allegation is only against the petitioners 1, 2 & 5 and also the fact that the other petitioners have only participated in the child marriage, this Court is inclined to grant anticipatory bail to the the petitioners 3, 4, 6, 7 & 8 with certain conditions.

8. Accordingly, the petitioners 3, 4, 6, 7 & 8 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 Court, Bodinayakkanur, Theni District, on condition that the petitioners 3, 4, 6, 7 & 8 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioners 3, 4, 6, 7 & 8 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 3, 4, 6, 7 & 8 shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for



interrogation.

(iii) the petitioners 3, 4, 6, 7 & 8 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 3, 4, 6, 7 & 8 shall not abscond either during investigation or trial.

(v) 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].

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

9. Insofar as the petitioners 1, 2 & 5 are concerned, this petition is dismissed as withdrawn.

sd/-
02/07/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
BODINAYAKKANUR, THENI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
BODINAYAKKANUR, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.NA.PALANIYANDI Advocate SR.No.10862

ORDER
IN
CRL OP(MD) No.8022 of 2019
Date : 02/07/2019

dss