



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 18/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8423 of 2019

1. Muniyandi,
2. Mookammal, ... Petitioners/Accused rank not known

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Kadambur, Thoothukudi District.
Crime No.1/2019. ... Respondent/Complainant

For Petitioners : M/s.N.Ramesh Arumugam,
Advocate.
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

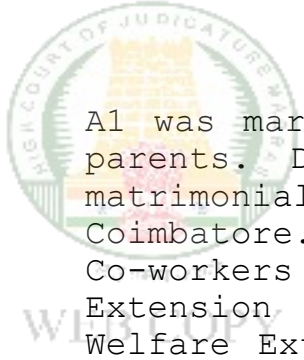
For Anticipatory Bail in Crime no.1/2019 on the file of the respondent police.

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 9 & 11 of Child Marriage Restraint Act and Section 5 (i), (ii) of POCSO Act, in Crime No. 1 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that as per the FIR, on 10.06.2018,



A1 was married the minor victim girl, which was arranged by their parents. Due to family dispute, the victim girl left out her matrimonial home and working in a private spinning mill at Coimbatore. Thereafter, she came to know that she is pregnant. The Co-workers informed it, to the defacto complainant/Social Welfare Extension Officer. Based on the complaint given by the Social Welfare Extension Officer, the respondent police registered a case against the petitioners. He further submitted that the petitioners are parents of A1. A2 is the father of the victim girl. A1 was already granted anticipatory bail by this Court. A2 was also released on bail by the learned Mahila Court, Thoothukudi, and hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent has submitted that the victim girl is a minor girl and now she is pregnant. Hence, he opposed this petition. However, he fairly conceded that A1 was already granted anticipatory bail by this Court and A2 was also released on bail by the trial Court.

5. Taking into consideration of the aforesaid fact that A1 was already granted anticipatory bail by this Court and A2 was also released on bail by the trial Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 Mahila Court, Thoothukudi, 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 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 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 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.

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 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.

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

TO

- 1 THE JUDGE,
MAHILA COURT, THOOTHUKUDI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KADAMBUR, THOOTHUKUDI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.M.S.JEYAKARTHIK, Advocate (SR-10010[I] dated 19/06/2019)

ORDER
IN
CRL OP(MD) No.8423 of 2019
Date :18/06/2019

dss
AE/JC/SAR-III (25.06.2019) 3P 5C