



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 24/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8784 of 2019

1. Rajkumar
2. Kalai
3. Muthumari

... Petitioners/Accused Nos.1 to 3

Vs

State rep.by
The Inspector of Police,
Rayappanpatti Police Station,
Theni District.
(In Crime No.155 of 2019).

... Respondent/Complainant

For Petitioners: M/s. J. Lawrance
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

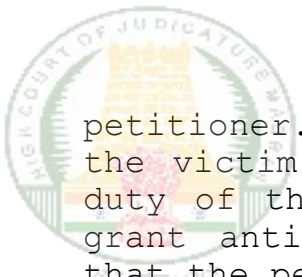
For Anticipatory Bail in Crime No.155 of 2019 on the file of the respondent police.

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 9 and 10 of Prohibition of Child Marriage Act and Section 12 r/w 17 of the Protection of Children from Sexual Offences Act, 2012 in Crime No.155 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent and they have not committed any offence and they have been falsely implicated in the above case. He has further submitted that the marriage has taken place with the consent of the victim girl only. Hence, he prayed for grant of anticipatory bail to the petitioners.

3.The learned Additional Public Prosecutor appearing for the respondent has submitted that there are totally three accused in this case. The main allegations are only against the first



petitioner. The victim girl is aged about 17 years. Even though the victim girl has expressed her consent for marriage, it is the duty of the petitioners to verify her age. Hence, he opposed to grant anticipatory bail to the petitioners. However, he conceded that the petitioners have no previous case.

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4. Taking into consideration the fact that the petitioners have no previous case, also the fact that the petitioners 2 & 3 are only the parents of the first accused and the main allegations are only against the first petitioner, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 only, by imposing certain conditions. So far as the first petitioner is concerned, this anticipatory bail petition is dismissed.

5. Accordingly, the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Sessions Court (Mahila Court), Theni, on condition that the petitioners 2 and 3 shall execute a bond for a sum of Rs.10,000/- (Rupees ten 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:

[a] if the petitioners 2 and 3 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners 2 and 3 shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

[c] the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

24/06/2019

/ TRUE COPY /



TO

1 THE ADDITIONAL SESSIONS JUDGE,
(MAHILA COURT), THENI.

2 THE INSPECTOR OF POLICE,
RAYAPPANPATTI POLICE STATION,
THENI DISTRICT.

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

+1. CC to M/S. J. LAWRENCE Advocate SR.No.10376

ORDER

IN

CRL OP (MD) No.8784 of 2019

Date :24/06/2019

MS/VR/SAR-4/27.06.2019/3P.5C