

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 27/06/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8872 of 2019

1. Petchiappan

2. Mageshwari

... Petitioners/Accused 3 & 4

Vs

State rep.by,

The Inspector of Police,,

Uthamapalayam Police Station,

In Cr.No. 13/2019,

Theni District.

... Respondent/Complainant

For Petitioners: M/s.C.Susikumar,
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.13 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9 & 10 of Child Marriage Restraint Act, 1929, and 294 (b) and 324 of IPC and 17 & 18 of POCSO Act, in Crime No.13 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that even as per the FIR, on 17.05.2019, A1 married minor victim girl without her consent. The minor victim girl tried to commit suicide and thereafter, with the help of child line

Association, she preferred the complain against the accused persons. He further submitted that the petitioners are husband and wife. The second petitioner/A4 is the sister of A1. A1 was already arrested and remanded to judicial custody. He further submitted that the petitioners are in no way connected in this case. They were only attended the marriage as a close relative on invitation by A1, and therefore, he prayed anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that A1 got married the minor victim girl without her consent and he was arrested and remanded to judicial custody. He further submitted that the petitioners are husband and wife and the second petitioner is the sister of A1 and hence, he opposed this petition. However, he fairly conceded that apart from that no specific allegations against the petitioners.

5.Considering the fact that the only allegation against the petitioners is that the petitioners are in-laws of the victim girl and also the fact that allegations made only against A1, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, on condition that the petitioner 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:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

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

(iv) the petitioner 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.

sd/-
27/06/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE
UTHAMAPALAYAM, THENI DISTRICT

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3. THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.

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

+1. CC to M/S. C. SUSIKUMAR Advocate SR.No.10716

ORDER
IN

CRL OP(MD) No.8872 of 2019

Date : 27/06/2019

dss

PK/VR/SAR-2/02.07.2019 : 3P/6C

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