



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

Friday, the First day of February Two Thousand Nineteen  
PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

WEB COPY

CRL OP(MD) No.893 of 2019

1 SAVITHIRI  
2 DHANALAKSHMI

... PETITIONERS / ACCUSED NO.2,3

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE  
AVANIYAPURAM POLICE STATION,  
MADURAI CITY.  
(CRIME NO.1993/2018)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.D.BALAMURUGAPANDI, Advocate  
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,  
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

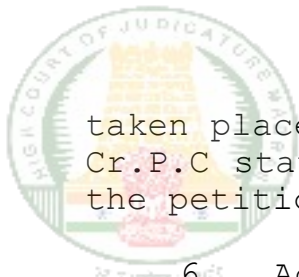
The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 5(i), 6 of POCSO Act (Protection of Children against Sexual Offences) Act 2012, Section 9,10 of Child Marriage Act of 2006 in Cr.No.1993 of 2018 seek anticipatory bail.

2. The case of the prosecution is that on 25.11.2018 the mother of the victim had lodged a complaint before the respondent stating that her daughter aged about 17 years was found missing and she was compelled and give in marriage to the petitioners son against her wish. Hence a case came to be registered.

3. The learned counsel for the petitioner would submit that the first petitioner's son and the victim are in love with each other and the petitioners were not aware of the minority status of the victim and with every one consent the marriage was performed. The defacto complainant who is having some grudge over the petitioner has foisted a false case against the petitioners.

4. Heard the learned Government Advocate(Crl.Side) appearing for the respondent. He has also produced the 164 Cr.P.C statement of the victim.

5. Taking into consideration the facts of the case and the submissions by learned counsels and the fact that the marriage had



taken place only on the wish of the victim and on perusal of the 164 Cr.P.C statement, this Court inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.VI, Madurai, Madurai District, 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

01/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.VI, MADURAI,  
MADURAI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE  
AVANIYAPURAM POLICE STATION, MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.D.BALAMURUGAPANDI Advocate SR.No.2197

ORDER IN

CRL OP(MD) No.893 of 2019

Date :01/02/2019