



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.9074 of 2019

Megala

... Petitioner/Accused No.5

Vs

State rep.by

The Inspector of Police,
Rayappanpatti Police Station,
Theni District.

(In Crime No.155 of 2019)

... Respondent/Complainant

For Petitioner : M/s.M.Laxmi Mahendraa,
Advocate.

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

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

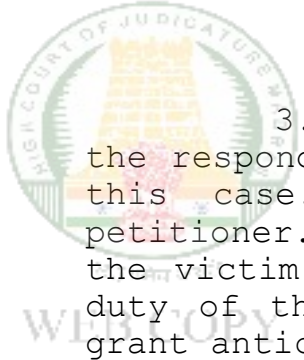
PRAYER :-

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

ORDER : The Court Made the following order :-

The petitioner/A-5, who apprehends 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, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner has only attended the marriage and she has not committed any offence and she has 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. He has further submitted that this Court has granted anticipatory bail to the parents of the first accused in Crl.O.P.(MD).No.8784 of 2019, dated 24.06.2019. Hence, he prayed for grant of anticipatory bail to the petitioner.



3. The learned Additional Public Prosecutor appearing for the respondent has submitted that there are totally five 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 petitioner to verify her age. Hence, he opposed to grant anticipatory bail to the petitioner. However, he conceded that the petitioner has no previous case.

4. Taking into consideration the fact that the petitioner has only attended the marriage, she has no previous case, also the fact that the main allegations are only against the first petitioner, this Court is inclined to grant anticipatory bail to the petitioner, by imposing certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her 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 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 Judge concerned and on further condition that:

[a] if the petitioner fails to surrender before the concerned Judge within a period of 15 days, this order shall stand automatically cancelled.

[b] 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 for the 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 Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

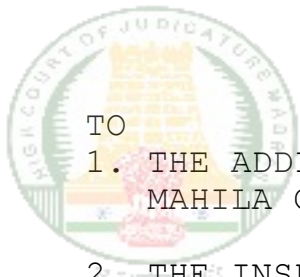
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

02/07/2019

/ TRUE COPY /

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



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.M.LAXMI MAHENDRAA Advocate SR.No.10918

ORDER

IN

CRL OP (MD) No.9074 of 2019

Date :02/07/2019

MS/PN/SAR-4/08.07.2019/3P.5C