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

Date : 05/08/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.10999 of 2019

1. Manshanai

2. Periyasamy

3. Lakshmi

4. Alagu

5. Mahendran

6. Savithiri

... Petitioners/Accused Nos. 2 to 7

Vs

The State Rep. by its,
The Inspector of Police,
ODAIPATTI Police Station,
Theni District.
(Crime No.117 of 2019).

... Respondent/Complainant

For Petitioners : Mr. R. Singaravelan, Senior Counsel
for M/s. A. Karthik, 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.117 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 6 and
17 of Protection of Child from Sexual Offences Act, 2012 and Section
9 and 10 of Prohibition of Child Marriage Act, 2006, in Crime
No.117 of 2019, seek anticipatory bail.



2.The learned Senior counsel appearing for the petitioners has submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The petitioners 1 and 4 are parents of A1 and other petitioners are relatives. Hence, he prayed to grant anticipatory bail to the petitioners.

3.The learned Additional Public Prosecutor appearing for the respondent has submitted that the accused persons are close relatives of the defacto complainant. As per FIR, the victim girl is aged about 14 years and A1 is aged about 21 years. It is further stated that the petitioners 1 and 4 are the parents of A1 and the other petitioners are relatives of A1. They solemnized the marriage of A1 with the Victim girl, who is aged about 14 years. It is further stated that after marriage, A1 had sexual contact with the victim girl by force. Hence, he opposed this petition.

4.Taking into consideration of the aforesaid facts that the main allegations are made against A1 and A1 was already arrested and remanded to judicial custody and the petitioners herein are parents and relatives of A1, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Mahila Court(FTC), Theni 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:

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

[b] 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 for the interrogation.

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

[d] the petitioners 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A 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(FTC)
THENI
- 2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ODAIPATTI POLICE STATION,
THENI DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

+1. CC TO M/S.A.KARTHIK ADVOCATE SR.NO.12905

ORDER
IN
CRL OP(MD) No.10999 of 2019
Date :05/08/2019

DAS
ES/PN/SAR 1/14.08.2019/3P/6C