



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/12/2019

WEB COPY

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL OP(MD). No.19621 of 2019

1.CHILLAMPAYI
2.VELLAICHAMY
3.VELLAIYAMMAL

... PETITIONERS/ACCUSED NOS.2 TO 4

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUMAYAM,
PUDUKKOTTAI DISTRICT,
(CRIME NO.7 OF 2019).

... RESPONDENT/COMPLAINANT

For Petitioners: M/s E.Balasubramanian,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.7 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A2 to A4 apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 5 (1) r/w 6, 17 of POCSO Act and Section 9 of Child Marriage Act, in Crime No.7 of 2019 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that A1 had love affair with the defacto complainant, who is aged about 15 years and got married. Subsequently, she got pregnant and after getting a statement from the complainant, respondent police registered a case as



against the accused persons in Crime No.7 of 2019 for the offences under Sections 5 (1) r/w 6, 17 of POCSO Act and Section 9 of Child Marriage Act.

3.The learned counsel for the petitioner submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Only after getting consent of the defacto complainant, marriage was performed between A1 and the defacto complainant. He further submitted that A1/husband of the defacto complainant was already arrested and remanded to judicial custody on 09.12.2019. The petitioners/A2 to A4 are only in-laws of the defacto complainant and therefore he prays to anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that A1 had love affair with the defacto complainant, who is aged about 15 years and got married. Subsequently, she got pregnant and after getting a statement from the defacto complainant, respondent police registered a case as against the accused persons in Crime No.7 of 2019 for the offences under Sections 5 (1) r/w 6, 17 of POCSO Act and Section 9 of Child Marriage Act and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the above facts and circumstances of the case and also considering the fact that the petitioners are only in-laws and A1 was already arrested and remanded to judicial custody, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Additional Mahila Court, Pudukottai, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.00 a.m and 5.30 p.m until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
30/12/2019

/ TRUE COPY /

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



TO

1 THE JUDGE,
ADDITIONAL MAHILA COURT, PUDUKOTTAI.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUMAYAM, PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.E.BALASUBRAMANIAN, Advocate (SR-23[I] dated 02/01/2020
)

ORDER

IN

CRL OP(MD) No.19621 of 2019

Date :30/12/2019

dss

JM/PN/SAR 3/02.01.2020/3P/5C