



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

Date : 30/12/2019

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL OP(MD). No.19618 of 2019

WEB COPY

1.Selvi
2.Murugan
3.Anbu

... Petitioners/Accused Nos. 3 to 5

Vs

The State through
The Inspector of Police,
Cumbum North Police Station,
Theni District.

(In Crime No.456/2019).

... Respondent/Complainant

For Petitioners: M/s.B.Arun,
Advocate.

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

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

PRAYER :-

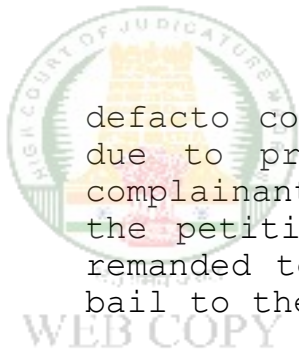
For Anticipatory Bail in Crime No. 456/2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A3 to A5 apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 9, 10 of Prohibition of Child Marriage Act, 2006, and Sections 16, 17 of Protection of Child from Sexual Offence Act, 2012, in Crime No.456 of 2019 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 24.12.2019, the defacto complainant viz., Sanmiya gave a complaint regarding Child Marriage as against the petitioners.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The petitioners and the



defacto complainant are close relatives. He further submitted that due to previous enmity between the petitioners and the defacto complainant, the defacto complainant foisted a false case against the petitioners/A3 to A5 and A1 and A2 were already arrested and remanded to judicial custody and therefore he prays to anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that on 24.12.2019, the defacto complainant viz., Sanmiya gave a complaint as against the petitioners. He further submitted that the respondent police registered a case as against the accused persons in Crime No.456 of 2019 for the offences under Sections 9, 10 of Prohibition of Child Marriage Act, 2006, and Sections 16, 17 of Protection of Child from Sexual Offence Act, 2012. He further submitted that A1 and A2 were already arrested and remanded to judicial custody. He strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the above facts and circumstances of the case and also considering the fact that the petitioners and the defacto complainant are close relatives and A1 & A2 were 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 Judicial Magistrate, Uthamapalayam, Theni, and on their 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 JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI

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

3 THE INSPECTOR OF POLICE
CUMBUM NORTH POLICE STATION, THENI DISTRICT.

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

+1. CC to M/S. ESWARAN Advocate SR.No.26

ORDER
IN
CRL OP(MD) No.19618 of 2019
Date :30/12/2019

dss
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