



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

Date : 07/05/2020

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.5293 of 2020

1. Ranjitha

2. Selvakumar

3. Ranjina ... Petitioners/Accused Rank Not Known

Vs

The State rep.by
The Inspector of Police,
All Women Police Station, Jeeyapuram,
Trichy District, (Crime No. 10 of 2020). ... Respondent/Complainant

For Petitioners : M/s.T.Lenin Kumr,
Advocate.

For Respondent : Mr.S.Chandrasekar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.10 of 2020 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 Section 9 of
Prohibition of Child Marriage Act 2006 @ Section 5(1) r/w.6 of
Protection of Children from Sexual Offences Act and Section 9,10
and 11 of Prohibition of Child Marriage Act, 2006, seek anticipatory
bail.

2. Heard both sides.



3. The Social Welfare Officer has given complaint alleging that one Ashok has married the minor girl Chandrika aged about 17 years in connivance with the petitioners herein who are none other than the family member of A1. Since it is a marriage between the adult and a minor girl case has been registered.

4. The learned counsel for the petitioners would submit that the minor girl and A1 eloped on their own and on knowing that they got married in the temple without the knowledge of the parents, they were brought back. When they reprimanded A1 and the minor girl they both threatened that if they are forcibly separated they will commit suicide.

5. Be as it may, for the violation of POCSO Act committed by A1 with connivance of the minor girl who is 17 years old, arrest or custodial interrogation of this petitioner is not necessary for investigation, provided they co-operate for investigation.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest by respondent police on executing a own bond for a sum of Rs.25,000/- and further each of the petitioners shall produce two sureties for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) before the learned Additional Sessions Judge (Mahila Court) trichy on or before 05.06.2020 and on further condition that:

(a) the petitioners and sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for 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**



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/05/2020

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

TO

- 1 THE ADDITIONAL SESSIONS JUDGE,
(MAHILA COURT), TRICHY.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, JEEYAPURAM,
TRICHY DISTRICT,
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5293 of 2020
Date :07/05/2020

SDS/JC/SAR-2/08.05.2020/2P/4C