



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

Date : 10/07/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP (MD) . No.7177 of 2020

1. Chokkalingam
2. Anjalai
3. Manikkam
4. Rajeshwari

... Petitioners/Accused
No. 2to5 as per FIR

Vs

State rep. by
The Inspector of Police,
All Women Police Station,
Karaikudi,
Sivagangai District.
Crime No. 8 of 2020.

... Respondent/Complainant

For Petitioners : M/s. V.Karuna,
Advocate.

For Respondent : K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For Bail in Cr.No.8 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are Accused Nos.2 to 5 in Crime No.8 of 2020 for the offences under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act r/w Sections 5(j)(ii), 5(n), 5(I) r/w Section 6 of the Protection of Children from Sexual Offences Act, 2012, were arrested and remanded to judicial custody on 18.06.2020 and hence, they seek bail.

2. The allegations against the petitioners is that the petitioners are the parents of the boy and the victim minor girl



respectively and they arranged the marriage of the victim minor girl with Accused No.1, due to which, the victim minor girl got pregnancy of three months and subsequently, based on the complaint given by the Social Welfare Officer, Saakkottai, the crime has been registered and the petitioners were arrested on 18.06.2020.

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3. The learned counsel for the petitioners would submit that the petitioners are the parents of the Accused No.1 and the victim minor girl respectively and they are in jail from 18.06.2020 and hence, they may be granted bail.

4. The learned Government Advocate (Criminal side) would submit that now the victim girl has been secured and she has also given a statement under Section 164 of the Criminal Procedure Code before the learned Principal District Munsif -cum- Judicial Magistrate, Karaikudi.

5. Taking note of the above facts and circumstances of the case and also taking note of the relationship of the petitioners with the victim girl and the boy (Accused No.1) and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) **each** with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Karaikkudi, Sivagangai District.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

ii) the petitioners shall report before the respondent police as and when required for interrogation.

Iii) the petitioners shall not tamper with evidence or witness;

iv) the petitioners shall not abscond during trial;

v) 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]**;



vi) If the petitioners thereafter abscond, 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.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
KARAIKKUDI, SIVAGANGAI DISTRICT.
2. DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE OFFICER IN CHARGE,
SUB JAIL, SIVAGANGAI.
4. THE OFFICER IN CHARGE,
WOMEN PRISON,
NILAKKOTTAI, DINDIGUL DISTRICT.
5. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARAIKKUDI, SIVAGANGAI DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7177 of 2020
Date :10/07/2020

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<https://hservices.ecourts.gov.in/hcservices/> 13.07.2020/ 3P/7C