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

Date : 25/08/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8594 of 2020

1. Murugan

2. Mala

... Petitioners/Accused4&5

Vs

The State rep. by
The Inspector of Police,
All Woman Police Station,
Nanguneri,
Tirunelveli District.
(Crime No.14 of 2020).

... Respondent/Complainant

For Petitioners: M/s.D.Venkatesh,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime.No.14 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 Sections 5(i), 6 and 17 of the POCSO Act and Sections 9,10 and 11 of the Prohibition of Child Marriage Act, 2006, seek anticipatory bail.

2. Heard both sides.

3. The petitioners herein are arrayed as A4 and A5, who are parents of victim. The case of the prosecution is that A1 in this case is said to have married the minor victim girl and the petitioners herein made arrangement for marriage. Based on the



complaint given by the Social Welfare Officer, the present case has been registered.

4. The learned counsel for the petitioners would submit that the petitioners are parents of the victim and they have been falsely implicated in the case.

5. The learned Government Advocate(Criminal Side) would submit that the petitioners herein are the parents of the victim and A1 in this case is said to have married the minor victim girl and the all the accused persons arranged for marriage.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that petitioners only the parents of the victim girl and the allegations are against the parents of A1, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Nanguneri on condition that the petitioners shall execute 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 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) the petitioners and the 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 5560]***; and;



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

sd/-
25/08/2020

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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,
NANGUNERI.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
NANGUNERI,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8594 of 2020
Date :25/08/2020

AAV
SRS/ AKM/ SAR-III/ 27.08.2020/ 3P/5C