



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

Date : 11/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD).No.9633 of 2020

1. Thangamuniasamy
2. Santhana Packiyam ... Petitioners/Accused Nos.2&3

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Thoothukudi, Thoothukudi District.
Crime No.31 of 2020. ... Respondent/Complainant

For Petitioners: Mr.G.Radhakrishnan,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.31 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 and A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 366(A) of I.P.C. and Sections 9, 11 of Prohibition of Child Marriage Act 2006 and Sections 5(1) & 6 of Protection of Child from Sexual Offences Act in Crime No.31 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners/A2 and A3 are parents of A1. The allegation is that the petitioners have made arrangement for the marriage of their son A1 with the minor victim girl who is aged about 15 years and the marriage took place on 02.09.2020. Based on the complaint given by one Social Welfare Officer, a complaint has been registered.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners would submit that the petitioners are the parents of A1 and they have only made arrangement for marriage but no marriage has been taken place. Now the main accused A1 was arrested and remanded to judicial custody. He further submitted that the petitioners are innocent persons and they have not committed any offence and hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioners have only arranged marriage for their son with the minor victim girl and A1 was arrested and remanded to judicial custody.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioners are the parents of A1 and they only said to have made arrangements of marriage but according to them no marriage was taken place as alleged by the defacto complainant and the main accused A1 was arrested and remanded to judicial custody, this Court is inclined to grant anticipatory bail to the petitioners with 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 POCSO Court, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with common surety 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 on 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/petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/09/2020

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/ /2020
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 JUDGE,
POCSO COURT,
THOOTHUKUDI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9633 of 2020
Date :11/09/2020

VSD

<https://hccs.ces.copps.gov.in/Reserve/> 16.09.2020/ 3P/4C