



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 09/10/2020

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11099 of 2020

1. Lakshmi
2. Pothumani
3. Mariselvam @ Mariselvan
4. Priya @ Banupriya
5. Ammal @ Ammalu
6. Marimuthu

... Petitioners/Accused No.2 to 7

Vs

State Rep. by  
The Inspector of Police,  
All Women Police Station,  
Uthamapalayam,  
Theni District  
Crime No.6/2020.

... Respondent/Complainant

For Petitioners: Mr.R.Shankar Ganesh,  
Advocate.

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

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

PRAYER :- For an Anticipatory Bail in Crime No.6 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 to A7, apprehending arrest at the hands of the respondent police for the offences punishable under sections 9 and 10 of the Child Marriage Restraint Act, 1929 r/w Section 6 and 17 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.6 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused got married the defacto complainant, who is the minor. After the marriage, he had sexual intercourse with the defacto complainant without her consent. Based on the complaint given by the defacto complainant, a crime has been registered against the petitioner.



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

4. The learned counsel appearing for the petitioners submitted that the betrothal was performed between the first accused and the defacto complainant. He further submitted that the petitioners are only in-laws and the main allegations is only against A1. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the first accused got married the defacto complainant, who is the minor. After the marriage, he had sexual intercourse with the defacto complainant without her consent.

6. Considering the above circumstances and also considering the fact that the petitioners are in-laws and the main allegation is only against A1 and there is no specific overt act attributed against the petitioners, I am 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 two weeks from the date of receipt of a copy of this order, before the Mahila (Fast Track) Court, Theni, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 3 and 6 shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter as and when required for interrogation. Further, the petitioners 1, 2, 4 and 5 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
09/10/2020

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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,  
MAHILA (FAST TRACK) COURT, THENI.
- 2 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
UTHAMAPALAYAM, THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.11099 of 2020  
Date :09/10/2020

vsg  
JM/PN/SAR III/15.10.2020/3P/4C