



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

Date : 03/11/2020

PRESENT

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

CRL OP(MD). No.11944 of 2020

1. Kanniyappan
2. Sala

... Petitioners/
Accused rank not known

Vs

The State rep. by
The Inspector of Police,
Pettai Police Station, Pettai,
Tirunelveli District,
Cr.No.531 of 2020.

... Respondent/Complainant

For Petitioners: M/s.N.Pragalathan,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.531 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under section 8 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9 & 10 of the Child Marriage Restraint Act, in Crime No.531 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused fell in love with the victim girl/daughter of the defacto complainant aged about 17 years. Thereafter, with the help of the parents of the first accused, they have got married. Hence, the complaint.

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



4. The learned counsel for the petitioners submitted that petitioners are the parents of the first accused and they had not committed any offence as alleged by the defacto complainant. The first accused was arrested and remanded to judicial custody and thereafter, he was released on bail.

5. The learned Government Advocate (Criminal Side) would submit that there are three accused and the petitioners are arrayed as second and third respondents. The first petitioner fell in love with the victim girl aged about 17 years and attempted to have physical relationship. Now the first accused was arrested and released on bail. So far as the petitioners herein are concerned they have assisted the first accused to marry the victim girl.

6. It is seen that the petitioners are the parents of the first accused and they have helped the first accused to marry the victim girl. Except that there are no allegations as against the petitioners. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Special Court for POCSO Act, Tirunelveli District and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/11/2020

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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,
SPECIAL COURT FOR POCSO ACT,
TIRUNELVELI DISTRICT.
2. THE INSPECTOR OF POLICE,
PETTAI POLICE STATION, PETTAI,
TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11944 of 2020
Date :03/11/2020

TA
SRS/JC/SAR-II/05.11.2020/ 3P/4C