



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

Date : 23/11/2020

PRESENT

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

CRL OP(MD). No.13194 of 2020

1.M.Murugan
2.M.Pitchammal

... Petitioners/Accused
Nos.2 and 3

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Thiruchendur, Thoothukudi District.
Crime No.17/2020

... Respondent/Complainant

For Petitioners : Mr.J.David Ganesan,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-For an Anticipatory Bail in Crime No. 17 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A-2 & A-3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 9 & 10 of Prohibition of Child Marriage Act, 2006 and Section 5(1), 6 of Prohibition of Child from Sexual Offences Act, in Crime No.17 of 2020 on the file of the respondent police, seek anticipatory bail.

2.Heard.

3.The case of the prosecution is that A-1 got married the minor victim girl, namely, Rohini who is aged about 16 years with the help of the petitioners and A-4/mother of the victim girl and A-1 was having sexual intercourse with the victim girl and she also got pregnant. Hence, the complaint.

4. The learned counsel for the petitioners would submit that the petitioners are parents of A-1 and nothing to do with the crime as alleged by the prosecution. Hence, he seeks anticipatory bail.



5. The learned Government Advocate(Crl.Side) would submit that the petitioners are parents of A-1 and the mother of the victim was arrayed as A-4. He would further submit that A-4 already enlarged on bail.

6. Taking into consideration the facts and circumstances of the case and A-4/mother of victim girl already enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioners herein 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 POCSO Mahila (Mahalir) Fast Track Court, Thoothukudi, 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 shall appear 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/-
23/11/2020

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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.

WEB COPY

TO

1. THE JUDGE,
POCSO MAHILA (MAHALIR) FAST TRACK COURT,
THOOTHUKUDI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUCHENDUR, THOOTHUKUDI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13194 of 2020
Date : 23/11/2020

KSA
TK/PN/SAR.4/03.12.2020/3P/4C