



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.13286 of 2020

1. Karuppanan
2. Vellaiammal
3. Chinnammal
4. Chandrabose

... Petitioners/Accused Nos.2 to 5

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Theni District.
(Crime No.15/2020).

... Respondent/Complainant

For Petitioners: M/s.A.Mithun Chakravarthi,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime no . 15 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A-2 to A-5 apprehending arrest at the hands of the respondent police for the offences punishable under section 6 of POCSO Act and 9, 10, 11 of Prohibition of Child Marriage Act, 2006 in Crime No.15 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A-1 fall in love with the minor victim girl who is aed about 17 years. Thereafter, the family members of A-1, namely; the petitioners herein arranged marriage between A-1 and the minor victim girl and they also solemnized their marriage and thereafter, they had physical relationship. Since A-1 was an employee at Military service he had gone to other State.



Thereafter, she was driven out from A-1's house by the petitioners herein and A-1 also did not talk with her back and cheated the minor victim girl. Hence, the complaint.

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

4. The learned Government Advocate (Crl. Side), on instructions, submitted that totally there are seven accused in which the petitioners are arrayed as A-2 to A-5 and A-1 is concerned he was arrested on 02.11.2020. He further submitted that A-1 married the minor victim girl and sexually assaulted her and thereafter, he refused to talk with her and now, the victim girl did not attained majority. He also produced a 164(5) of Cr.P.C. statement of the minor victim girl which was recorded by the learned Judicial Magistrate (Fast Track Court), Theni.

5. On perusal of statement recorded under Section 164(5) of Cr.P.C., revealed that the marriage of the victim girl was solemnized with A-1 and now the victim girl was attained majority. Thereafter, after their marriage, she was driven out from the matrimonial home and A-1 also refused to talk her back. Now, A-1 was arrested and remanded to judicial custody and insofar as the petitioners are concerned they are only parents and relatives of A-1.

6. The learned counsel appearing for the petitioners would submit that the petitioners are ready and willing to take her back to the matrimonial home and A-1 undertakes to register the marriage with victim girl and also ready to produce the marriage certificate before the respondent police.

7. Considering the fact and circumstances of the case this Court is inclined to grant anticipatory bail to the petitioners on condition that the petitioners shall file an undertaking affidavit before the concerned Judicial Magistrate Court that they have no objection to register the marriage between A-1 and the victim girl and also no objection to take her back to the matrimonial home and also not harassed the victim girl.

8. 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 learned Fast Track Mahila 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 shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of Two Weeks and thereafter 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

23/11/2020

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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 JUDGE, FAST TRACK MAHILA COURT, THENI.

2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THENI DISTRICT.

3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.MITHUN CHAKRAVARTHI, Advocate (SR-7663[I] dated 26/11/2020)

ORDER IN

CRL OP(MD) No.13286 of 2020

Date :23/11/2020

KSA

<https://hcs.ecourts.gov.in/Services/2.12.2020> 3P / 5C