



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 11/12/2020

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PRESENT

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

CRL OP (MD) No.14608 of 2020

1. Mohan  
2. Rajeshwari

... Petitioner No.1&2/Accused No.2&3

**Vs**

The State Rep. by  
The Inspector of Police,  
Thiruchuli Police Station,  
Virudhunagar.  
Crime No.402 of 2020.

... Respondent/Complainant

For Petitioners : M/s.V.Vishnu, Advocate.

For Respondent : Mr.Kr.Bharathi Kannan,  
Government Advocate (Crl.Side)

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

**PRAYER :-**

For Anticipatory Bail in Crime No.402 of 2020 on the file of the Respondent Police

**ORDER :** The Court made the following order :-

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

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under section 363 of I.P.C. r/w. Sections 5(1) and 6 of Protection of Child from Sexual Offences Act, 2012 and Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006, in Crime No.402 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that A1 fell in love with the victim who is aged about 16 years. On the pretext of marriage, he also had sexual intercourse with the victim girl. Thereafter, A1 kidnapped the minor girl and brought to the house of A2 and A3, where the victim girl was married with A1. Thereafter, the victim girl had physical relationship with A1.



4. The learned counsel for the petitioners submitted that the petitioners are brother and sister-in-law of A1. They had never played any role as alleged by the prosecution. He further submitted that A1 was arrested and granted bail by this Court.

5. The learned Government Advocate (Crl. Side) submitted that the petitioners are brother and sister-in-law of A1 and they only arranged the marriage. A1 fell in love with the victim girl and had sexual intercourse with her. On complaint lodged by the victim girl's parents, the victim girl was secured and she is now with her parents. A1 was arrested and he was released on bail.

6. Considering the above facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Judicial Magistrate, Arupukkottai, 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 first petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, the petitioners 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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sd/-  
11/12/2020

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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 JUDICIAL MAGISTRATE, ARUPUKKOTTAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,  
THIRUCHULI POLICE STATION,  
VIRUDHUNAGAR.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.14608 of 2020  
Date :11/12/2020

IAS  
TE/JC/SAR-II : 17/12/2020 : 3P/5C