



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/12/2020

WEB COPY

PRESENT

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

CRL OP(MD).No.15016 of 2020

1.Pattan
2.Mariamammal
3.Murugan
4.Muthulakshmi

... Petitioners/Accused Nos.2 to 5

Vs.

The State Rep. by
The Inspector of Police,
Rural All Women Police Station,
Tirunelveli District.
Crime No.17 of 2020.

... Respondent/Complainant

For Petitioners : Mr.M.Pandian,
Advocate.

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

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

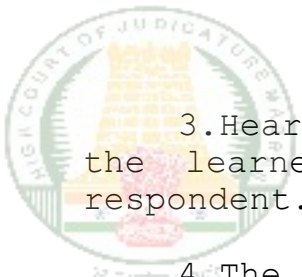
PRAYER :-

For Anticipatory Bail in Crime No.17 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 to A5, apprehending arrest at the hands of the respondent police for the offences punishable under section 312 IPC and Sections 5(1) & 6 of POCSO Act and Sections 9 & 10 of Child Marriage Prohibition Act 2006, in Crime No.17 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, who is aged about 17 years and thereafter, they eloped and got married and had physical relationship. Hence, the case has been registered.



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 petitioners are parents of A1 and the victim girl and they have not committed any offence as alleged by the prosecution. He further submitted that A1 had already been arrested and released on bail. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side), on instructions, submitted that A1 had already been arrested and released on bail.

6. It is seen that there are totally five accused, in which the petitioners are arrayed as A2 to A5. The first accused fell in love with the victim girl and they eloped and got married and had physical relationship. Thereafter, the parents of A1 and the victim girl arranged the marriage between them. Now A1 had already been arrested and released on bail. Insofar as the petitioners are concerned they are only the parents of A1 and the victim girl.

7. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

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 Sessions Judge, Special Court for POCSO Act Cases, Tirunelveli District, 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 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/-
17/12/2020

/ TRUE COPY /

/ /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 SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI DISTRICT.
2. THE INSPECTOR OF POLICE,
RURAL ALL WOMEN POLICE STATION,
TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15016 of 2020
Date :17/12/2020

VSD
TE/SMA/SAR-IV : 23/12/2020 : 3P/4C