



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13594 of 2021

1 SUBRAMANI
2 JEYALAKSHIMI

[PETITIONER / ACCUSED]

Vs

STATE REP.BY ITS
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION (NORTH TOWN) THIRUPUR,
THIRUPUR DISTRICT,
CRIME NO.1224/2021

[RESPONDENT]

For Petitioner : M/S.A.UTHAYAKUMAR Advocate

For Respondent : M/S. C.E.PRATAP, Govt. Advocate (Crl. Side)

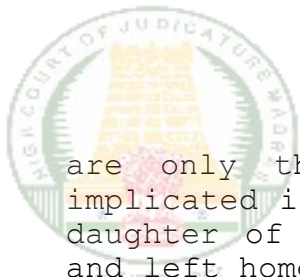
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 5(1) r/w 6 of POCSO Act, 2012 and Section 9 of Prevention of Child Marriage Restriction Act, 2006 in Crime No.1224 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the victim girl already married with her maternal uncle's son, namely, Ayyanar. Due to misunderstanding between them, the victim girl left her matrimonial home and started to live along with her mother at Tiruppur. Thereafter, it is alleged that the victim girl had an illegal intimacy with A2. In that circumstances, the defacto complainant, who is the mother of the victim girl had lodged a complaint to the Anupurpalayam Police Station alleging that her daughter was found missing. The said complaint was thereafter forwarded to the respondent police.

3. The learned counsel for the petitioners submitted that the petitioners are in no way connected with the alleged offence, as they



are only the parents of A1/Ayyanar and they have been falsely implicated in this case. The learned counsel further submits that the daughter of the defacto complainant had an illegal intimacy with A2 and left home on her own volition. Therefore, the petitioners have not committed any offence as alleged by the prosecution and prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the victim girl has been secured and 164 statement has also been recorded. He further submits that there is no previous case pending as against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. This Court had perused the statement of the victim under Section 164 of Cr.P.C. which reveals that the victim, on her own volition went along with A2 and further, there is no specific overt act has been attributed against the petitioners and the victim girl has been secured, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-IV, Madurai, on condition that the petitioner 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall report before the respondent police as and when required for interrogation.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f)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;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

12/08/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.IV,
MADURAI

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION (NORTH TOWN) THIRUPUR,
THIRUPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.A.UTHAYAKUMAR Advocate on payment of necessary charges

CRL OP.13594/2021

Date :12/08/2021

APN 24/08/2021