



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Eleventh day of November Two Thousand Twenty One

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PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI
CRIMINAL ORIGINAL PETITION No.20363 of 2021

1 MAYIL @ MAYIL REDDY
2 MUNIYAMMA @ MUNIYAMMAL
3 SRIRAMULU
4 JOTHI

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUTTANI,
TIRUVALLUR DISTRICT.
CR.NO. 20 OF 2021.

[RESPONDENT]

For Petitioner : M/S M. RAJINIKANTH Advocate

For Respondent : MR. N.S.SUGANTHAN, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Section 363, 365, 366, 376(3), 376(2)(n) of IPC and Sec. 9, 10 & 11 of Child Marriage Act and Section 4(2) & 6(1) of POCSO Act in Crime No.20 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner/A-2 and A-3 are the parents of A-1, who married the victim girl aged 16 years and the petitioner/A-4 and A-5 are the parents of the victim girl. The petitioners are alleged to have performed child marriage to the victim girl with accused/A1. Thereby, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. He further submitted that the victim girl on her own volition married accused/A-1 and the co-accused had released on bail



by the lower court. However, on instructions, he furthermore submits that the petitioners, without prejudice to their rights, are ready to abide any condition imposed by this Honourable court. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate submitted that the petitioners performed child marriage to the victim girl and now she is pregnant for three months. The statement of the victim girl has been recorded under Section 164 Cr.P.C. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. A perusal of the statement of the victim under Section 164 Cr.P.C reveals that the victim girl on her own volition married accused/A-1. In such circumstances this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:-

(a) 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, Thiruttani on condition that the petitioners shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) 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:

(b) the petitioners and 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 appear 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/-
11/11/2021

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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,
THIRUTTANI.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVALLUR DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUTTANI, TIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S. C.THAMIZHAZHAGAN Advocate on payment of necessary charges SR.NO.12710

CRL OP.20363/2021

Date :11/11/2021

INBA-17/11/2021