



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1710 of 2021

1.Uma
2.Karuppasamy

... Petitioners/Accused No.2 & 3

Vs

State through represented by,
The Inspector of Police,
V.Chatrapatti Police Station,
Madurai District.
(In Cr.No.866/2020).

... Respondent/Complainant

For Petitioners: Mr.P.Kalyana Ramachandran
Advocate.

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

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

PRAYER :-

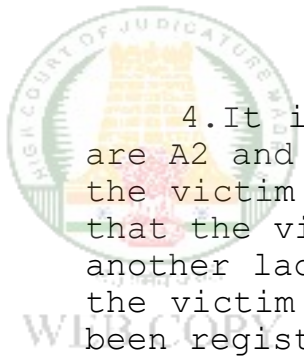
For Anticipatory Bail in Crime No.866/2020 on the file of the
Respondent Police.

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 sections 9 and
10 of the Prohibition of Child Marriage Act, 2006 and Sections 5(1)
and 8 of the Protection of Child from Sexual Offence Act, 2012, in
Crime No.866 of 2020 on the file of the respondent police, seek
anticipatory bail.

3. The case of the prosecution is that the defacto complainant,
who is Assistant Women in Rural Welfare Scheme lodged a complaint on
receiving a phone call that A1 got married with the victim girl with
the consent of her parents on 30.10.2020. A1 and the defacto
complainant are living together. Hence, the present complaint.



4.It is seen from the materials on record that the petitioners are A2 and A3. They are the parents of A1, who said to have married the victim girl, A1 is arrested. It is seen from the 164 statement that the victim girl lost her mother and her father got married with another lady and she is living with her grandparents. The father of the victim forced her to marry her against her wish and a false has been registered.

5.In view of the above, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 Special District Court for POCSO Act Case Court, Madurai, 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 at 10.30 a.m for a period of two weeks and thereafter, 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.

sd/-
17/02/2021

/ TRUE COPY /

/ /2021
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 SPECIAL DISTRICT JUDGE FOR POCSO ACT CASES,
MADURAI.
- 2.THE INSPECTOR OF POLICE,
V.CHATRAPATTI POLICE STATION,
MADURAI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.1710 of 2021

Date :17/02/2021

IAS

PK/JC/SAR-III/25.02.2021 : 3P/4C