



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/02/2021

WEB COPY

PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP (MD) No.2482 of 2021

1. Poosari
2. Petchiammal
3. Murugan
4. Maruthayi

... Petitioners/Accused 2 to 5

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.
Crime No. 2 of 2021.

... Respondent/Complainant

For Petitioners : Mr.Sankar Ganesh N,
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.2 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend 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(j) (II) and 6 of the Protection of Children from Sexual Offences Act, 2012 in Crime No.2 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein arranged marriage of the minor girl with A1 and out of the wed lock, the minor girl conceived. For taking treatment, they went to Rajaji Government Hospital. On the complaint given by the Hospital



authorities and Women Welfare Officer, the present complaint has been registered.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that A1 and the minor girl living together and she has been taking care by them. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the investigation is pending.

5. It is seen that the first and second petitioners are the parents of the minor girl and the third and fourth petitioners are parents of A1. They are close relatives and the victim girl's parents are un-educated persons. The age recorded in the School certificate is by the School Authorities on their own. According to the petitioners, the marriage has been held in the presence of all relatives and the victim girl and A1 are now living together happily as husband and wife. When the victim girl went treatment for her pregnancy in Rajaji Hospital, Madurai, it was came to light that the minor girl was married to A1 and on the complaint given by the Women Welfare Officer, the present case has been registered. The minor girl is now pregnant and continues her life with A1 and she is been taking care by the petitioners.

6. In view of the above, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 Special Court for Exclusive Trial of Cases under POCSO Act, 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 appear 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/-

17/02/2021

/ 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 JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT,
MADURAI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUMANGALAM,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.N.SANKAR GANESH, Advocate (SR-1216[I] dated 19/02/2021)

ORDER IN

CRL OP(MD) No.2482 of 2021

Date :17/02/2021