



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

Date : 11/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3009 of 2021

1.Arumugam
2.Muthumari
3.Mahalingam
4.Bhagavathi

... Petitioners 1 to 4/Accused 2 to 5

Vs

State rep.by,
The Inspector of Police,
Silaiman Police Station,
Madurai District.
(In Crime No.1583 of 2020).

... Respondent/Complainant

For Petitioner : Mr.R.Alagumani,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in crime No.1583/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused 2 to 5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 5(j)(ii), 5(i), 5(n) and 6 of Protection of Child from Sexual Offences Act, 2012 and Sections 10 and 11 of Child Marriage Restraint Act, 1929, seek anticipatory bail.

2. The case of the prosecution is that the petitioners 1 and 2 are the parents of A1 (Chinnaraj) and the petitioners 3 and 4 are the parents of victim girl. The petitioners are the relatives. A1 is the maternal uncle of victim girl. A1 and the victim girl were loved each other and got married. At the time of marriage, both were minor. Initially, the petitioners opposed their marriage, thereafter, accepted the same. Now, the victim girl become



pregnant. The father-in-law and mother-in-law of the victim girl, scolded her. Hence, she went to Children Welfare Committee and gave statement. The Children Welfare committee gave a complaint against the petitioners, since the victim girl at the time marriage was minor.

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3. The learned counsel for the petitioners would submit that the victim girl does not have birth certificate. The parents of the victim girl are un-educated people. It is also submitted that as per the school records, the victim girl is major.

4. The learned Government Advocate(Crl.Side) would submit that investigation is pending.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special District Mahila Court, (POCSO Act 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 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 petitioner 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/-
11/03/2021

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/ /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 MAHILA JUDGE,
(POCSO ACT COURT), MADURAI
- 2.THE INSPECTOR OF POLICE,
SILAIMAN POLICE STATION,
MADURAI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.R.ALAGUMANI, Advocate SR.No.2029

ORDER
IN
CRL OP(MD) No.3009 of 2021
Date :11/03/2021

rmk
PK/JC/SAR-I/18.03.2021 : 3P/5C