



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

Date : 26/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5275 of 2021

Marithai

... Petitioner/7th Accused

Vs

State Rep.by
The Inspector of Police,
Puliangudi Police Station,
Tenkasi.

Crime No.128/2021

... Respondent/Complainant

For Petitioner : Mr.N.Shyllappa Kalyan,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.128 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 5(I), 6, 17 POCSO r/w Sections 9, 10, 11 of Prohibition of Child Marriage Act in Crime No.128 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 15.02.2021 at about 06.00 am., to 7.30 am., all the accused persons arranged marriage of the minor girl with one Singadurai and he had also physical relationship with her. The petitioner herein is A7 and she was present at the time of marriage. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she is no way connected with the alleged occurrence. The learned counsel for the petitioner also produced the bus ticket to prove that she was at Chennai on 15.02.2021 to attend another relative's marriage. The photograph taken at the time of marriage function at Chennai also produced. That apart, she also produced train ticket dated 06.02.2021 and received records dated 11.02.2021, 13.02.2021.



4. *Prima facie*, these records shows that the petitioner could not have been present at the time of minor girl's marriage on 15.02.2021. Taking note of all these facts, this Court is inclined to grant anticipatory bail to the petitioner.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri, on condition that the petitioner shall execute a 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:

[a] the petitioner 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 petitioner shall report before respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

26/04/2021

/ 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 JUDICIAL MAGISTRATE, SIVAGIRI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PULIANGUDI POLICE STATION, TENKASI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.N.SHYLLAPPA KALYAN, Advocate (SR-17676[F] dated
27/04/2021)

ORDER

IN

CRL OP(MD) No.5275 of 2021

Date :26/04/2021

GNS

MS/PN/SAR-2/12.05.2021/3P.6C