



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

Date : 10/06/2021

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN
CRL OP(MD) . No.7587 of 2021

WEB COPY

1. Rajesh
2. Rajasing Rajamani
3. Kirubha Rajasing
4. Hebzibui
5. Arumairaj

... Petitioners/Accused Nos.1 to 5

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Valliyoor, Tirunelveli District.
Crime No.9/2021.

... Respondent/Complainant

For Petitioners : Mr.Palani Velayutham.S,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Counsel (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in crime No.9 of 2021 on the file of the
respondent police

ORDER : The Court made the following order :-

Heard the learned counsel on either side.

2.The petitioners apprehend arrest at the hands of the
respondent police for the offence punishable under Section
5(1)(i-ii) r/w 6, 17 of POCSO Act, 2012 and Sections 9, 10, 11 of
Child Marriage Act, 2006 in Crime No.9 of 2021 on the file of the
respondent police and seek anticipatory bail.

3.The learned Government Counsel (Crl.Side) for the respondent
would strongly oppose the grant of anticipatory bail by pointing
out that the age of the victim is 16 years and that she is already
pregnant.

4.Though the objection of the learned Government Counsel is
well founded, on a closer scrutiny of the facts on record, it
appears to be more or less a case of the child marriage. The
parents of the main accused as well as the parents of the victim
girl have been arrayed as accused in this case. The victim is still



with the 1st accused. She is also pregnant. If the petitioners are arrested, it is the victim, who will have to bear the burden.

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

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest by the respondent police on executing personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] each with two common sureties each for a likesum to the satisfaction of the respondent police and on further condition that the petitioners shall appear before the learned Judicial Magistrate, Valliyoor, Tirunelveli District and execute fresh personal bonds for a sum of Rs.5,000/- [Rupees Five Thousand only] each with two common sureties each for a likesum to the satisfaction of the concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the Magistrate may obtain a copy of their Aadhar cards or Bank pass Books to ensure their identity;

[b] the petitioners shall report before the respondent police as and when required for interrogation;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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]**; and

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

Sd/-
10/06/2021

/ 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, VALLIYOOR.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, VALLIYOOR,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7587 of 2021
Date : 10/06/2021

VB PN SAR III(16/06/2021) 3P / 5C