



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

Date : 01.07.2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8098 of 2021

1.Jeyaraj
2.Vellaiyammal

... Petitioners/5th & 6th Accused

Vs

State Represented by,
The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
In Crime No.19/2021

... Respondent/Complainant

For Petitioners : Mr.S.C.Herold Singh,
Advocate

For Respondent : Mr.M.Muthumanikkam,
Counsel for Government of TamilNadu
(Criminal Side)

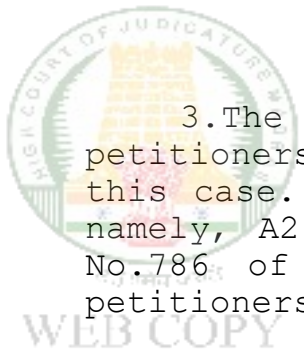
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.19 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 alleged offences punishable under Sections 366 of IPC, Sections 9 and 10 of Child Marriage Act and Section 5(1) r/w Section 6 of POCSO Act, 2012 in Crime No.19 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the mother of the victim girl Rasi, aged 15 years. The victim girl was studying IXth standard. The defacto complainant came to know that her husband was making arrangements to get her daughter married to the first accused. The defacto complainant protested that since Rasi is studying, she should not be married and she must complete her studies. Without minding her objections, on 23.04.2021, the accused had conducted the marriage between the first accused and Rasi. The defacto complainant came to know about this marriage on 06.05.2021. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they are falsely implicated in this case. He further submitted that the co-accused in this case, namely, A2 to A4 had been granted anticipatory bail in Crl.OP(MD) No.786 of 2021. Therefore, he seeks anticipatory bail for the petitioners.

4.The learned Counsel for the Government of Tamil Nadu (Criminal Side) appearing for the respondent police opposed this petition on the ground that investigation is still pending.

5. In this case, the first accused has been arrested and he is in jail. It is a case of child marriage. The co-accused had been granted anticipatory bail. These petitioners are similarly placed. A perusal of the 164 Cr.P.C. statement shows that the victim girl loved the first accused, she eloped with him and married him. Further, medical examination of the victim girl and the first accused is over. Taking all these facts into account, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days 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 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 respondent police daily at 10.30 am., until further orders.

[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



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

sd/-
01/07/2021

WEB COPY

/ 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,
MELUR, MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-4282[I] dated 01/07/2021)

ORDER
IN
CRL OP(MD) No.8098 of 2021
Date :01/07/2021

mbi
JM/AKM/SAR IV/05.07.2021/3P/5C