



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

Date : 05.07.2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8175 of 2021

1.Sudha @ Azhagammal
2.Alphonse

... Petitioners/Accused Nos.2 & 3

Vs

State Represented by,
The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
Crime No.169 of 2021

... Respondent/Complainant

For Petitioners : Mr.S.R.A.Ramachandhran, Advocate

For Respondent : Mr.M.Muthumanikkam,
Government Advocate(Crl. Side)

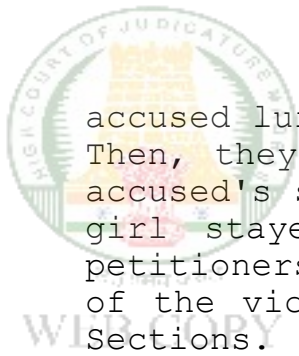
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.169 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 Section 376 of IPC r/w Sections 3 and 4 of Protection of Children from Sexual Offenders Act, 2012 and Sections 9 and 10 of Child Marriage Act in Crime No.169 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the victim girl, Devi is the daughter of the defacto complainant. On 06.06.2021, at about 05.00 pm, the victim girl was in her house. Then, at 05.45 pm, she was not found in her house. Evenafter search was made, the victim girl could not be located. Suspecting that accused Adhinarayanan was involved in her kidnapping, the defacto complainant lodged a complaint. Originally this case was registered as girl missing. Subsequently, this case was altered to offence punishable under Section 376 of IPC r/w Sections 3 and 4 of Protection of Children from Sexual Offenders Act, 2012 and Sections 9 and 10 of Child Marriage Act. It is seen from the alteration report that the first



accused lured the victim girl to go out of her house along with him. Then, they visited the house of the petitioners, who are the first accused's sister and sister's husband. The first accused and victim girl stayed there, marriage was conducted in the house of the petitioners and the marriage was also consummated against the will of the victim girl. Hence, this Case is altered to the above said Sections.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) opposed this petition on the ground that investigation is still pending.

5. It is submitted that the petitioners were nowhere involved in the love affair between the first accused and the victim girl. The only allegation is that they gave accommodation to the first accused and the victim girl and conducted the marriage. The medical examination of the victim and the first accused is over. Material part of the investigation is completed. Taking all these factors into consideration, this Court is of the view that custodial interrogation of the petitioners is not necessary and hence, this Court is inclined to grant anticipatory bail to the petitioners.

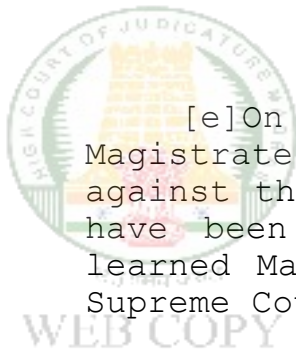
6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge, Special Court for POCSO Act cases, (FAC), Tirunelveli on condition that 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 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/-

05/07/2021

/ 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 SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES, (FAC),
TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE,
ALWARKURICHI POLICE STATION,
TENKASI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.8175 of 2021

Date :05/07/2021

mbi

MS/VR/SAR-4/08.07.2021/3P.4C