



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

Date : 11.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)Nos.9536 & 8081 of 2021

1.Kamaraj
2.Sarasu :Petitioners/Accused Rank Not Known
in Crl.OP.(MD)No.9536 of 2021

3.Palaniyammal
4.Sakthivel :Petitioners/Accused Nos.2 & 3
in Crl.OP.(MD)No.8081 of 2021

Vs

State Rep by
The Inspector of Police,
All Woman Police Station,
Musiri, Trichy District.
In Cr.No.11 of 2021

: Respondent in both Crl.OPs.

For Petitioner : Mr.M.Subash Babu
(in both Crl.OPs.)

For Respondent : Mr.T.Senthilkumar,
(in both Crl.OPs.) Government Advocate (Crl.Side)

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

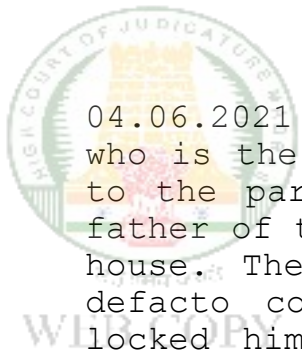
COMMON PRAYER :-

For Anticipatory Bail in Crime No.11 of 2021 on the file of the
Respondent Police.

COMMON ORDER : The Court made the following common order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
495, 506(i) IPC and Section 4 of the Tamilnadu Prohibition of
Harassment of Woman Act, 2002 and Sections 9 and 10 of the
Prohibition of Child Marriage Act, 2006 and Sections 5(1), 6(1)
POCSO Act in Crime No.11 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant
<https://hcservices.easports.gov.in/faces/> with the first accused and eloped with him on



04.06.2021 and they married in a temple. Thereafter, one Sathish, who is the friend of the first accused, informed about the marriage to the parents of the first accused. Subsequently, third accused, father of the first accused came to the place and took them to their house. Thereafter, the second and third accused forcibly removed defacto complainant's thali and assaulted the first accused and locked him in a separate room. She was informed that the first accused already married one Boomika, who is a minor girl, in the month of August 2020. Therefore, the present case came to be registered.

3.Since it is alleged by the defacto complainant that the first accused married one minor girl, this Court directed the respondent police to get copy of the statement of the victim girl recorded under Section 164 Cr.P.C., and today, the same was produced. In the statement, the minor girl denied all the averments and there was no marriage between her and the first accused and to only assist the parents of the first accused, she went to their house.

4.Considering facts and circumstance of the case and also considering the fact that the petitioners herein are parents of the first accused and the parents of the minor girl and the statement of the minor girl that there was no marriage, this Court is inclined to grant anticipatory bail to the petitioners.

5.Accordingly, these criminal original petition are allowed and 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 Judicial Magistrate, Musiri, 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police as and when required.

[c]the petitioners shall not tamper with the 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/-
11/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

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, Musiri.

2.The Chief Judicial Magistrate,
Trichy.

3.The Inspector of Police,
All Woman Police Station,
Musiri, Trichy District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-5391[I] dated 13/08/2021)

ORDER IN
CRL OP(MD) Nos.9536 & 8081 of 2021
Date : 11.08.2021

TR/PN/SAR-III (19.08.2021) 3P 6C