



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2021

CORAM

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.10314 of 2021

1. Balakrishnan
2. Krishnaveni

... Petitioners/Accused No.5 and 6

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Thoothukudi.
In Crime No.11 of 2019.

... Respondent/Complainant

For Petitioners : Mr.S.R.Sathin Boopathy, Advocate.
For Respondent : Mr.Antony Sahaya Prabakar
Government Advocate (Crl. Side)

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

Prayer:-To enlarge the petitioners on bail in the event of their arrest in Crime No.11 of 2019 on the file of respondent.

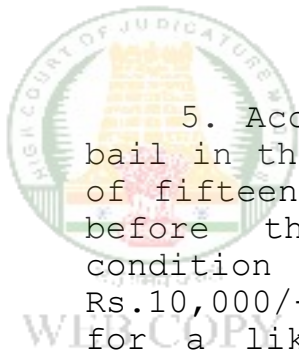
ORDER : The Court made the following order :-

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side).

2. The petitioners were earlier granted Anticipatory Bail vide Order dated 09.12.2019 in Crl.OP(MD).No.18429 of 2019. The petitioners have not furnished the sureties in terms of the condition imposed by this Court. Be that as it may, the F.I.R has been altered and offences under the POCSO Act have been incorporated as on date.

3. The petitioners apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 9,10,11 of Prohibition of Child Marriage Act, 2006 & Section 17 r/w 18 of POCSO Act, 2012 in Crime No.11 of 2019.

4. It is seen that the petitioners are only the parents of the main accused. The Investigation is over and charge-sheet is also ready. Hence, this Court is inclined to grant Anticipatory Bail to



5. 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 Judicial Magistrate-III, Thoothukudi, 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 Aadhar card or Bank pass Book to ensure their identity.

(b) the petitioners shall report before respondent police as and when required for interrogation;

(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 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/-

05/08/2021

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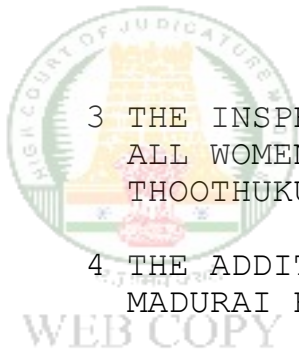
/ /2021

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

TO

1 THE JUDICIAL MAGISTRATE-III,
THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.



3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THOOTHUKUDI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.10314 of 2021

Date :05/08/2021

KMM

MK/JM/SAR.III/10.08.2021/3P/5C