



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.08.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11076 of 2021

1.Selvam @ Poochi

2.Vellaiyammal

... Petitioners/Accused Nos.2 & 3

Vs

State Rep by
The Inspector of Police,
All Women Police Station,
Vadamadurai Police Station,
Dindigul District.
Crime No.10 of 2021

... Respondent/Complainant

For Petitioner : Mr.P.Manikandan,Advocate

For Respondent : Mr.T.Senthilkumar,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.10 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 9 and 11 of Prohibition of Child Marriage Act, 2006 and Section 5(j) (ii) r/w 6, 17 of the Protection of Children from Sexual Offences Act, 2012 in Crime No.10 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners arranged marriage of the minor girl with the first accused and due to wedlock, she became pregnant. When she was admitted in the Government Hospital for delivery, the Doctor found the victim girl was a minor and informed the same to the Police. Therefore, the present case came to be registered.



3.The learned counsel for the petitioners submitted that the first petitioner is the maternal uncle of the victim girl and the second petitioner is the mother of the victim girl. They are innocent persons and they have been falsely implicated in this case.

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4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioners herein arranged marriage of the minor girl with the first accused and when she was admitted in the Government Hospital for delivery, it was found that she was a minor. Based on the information of the hospital authorities, the present case has been registered.

5.Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and they being family members, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is 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 Judicial Magistrate Court, Vendasandhur, Dindigul, 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/-
12/08/2021

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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,
VEDASANDHUR
DINDIGUL DISTRICT
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VADAMADURAI POLICE STATION,
DINDIGUL DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.11076 of 2021
Date :12/08/2021

PKP/VR/SAR-3/19/08/2021/3P/5C