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

Date : 12.08.2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP (MD)No.11077 of 2021

1. MARIAMMAL
2. MUNIASAMY
3. FLORIDA
4. ANTO

... PETITIONERS/ACCUSED NO.2 TO 5

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
(CRIME NO.24 OF 2021).

... RESPONDENT/COMPLAINANT

FOR PETITIONERS : MR.G.RADHAKRISHNAN,
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.24 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 & 10 of Prohibition of Child Marriage Act, 2006 and Sections 5(i), 5(j)(ii) and 6 of POCSO Act, 2012 in Crime No.24 of 2021, seek anticipatory bail.



2.The case of the prosecution is that the petitioners had arranged marriage between the first accused, who is aged about 17 years, and the victim girl, who is also aged about 17 years. Hence, the complaint.

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3.The learned counsel for the petitioners submitted that the first and second petitioners are parents of the first accused. The third and fourth petitioners are parents of the victim girl and they are innocent persons. During pandemic situation, without knowing the consequences, they have arranged marriage.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that based on the information received from the Government Hospital, Thoothukudi that a minor girl gave birth to the child in the said hospital, the present case has been registered.

5.Considering the facts and circumstances of the case, nature of allegations levelled against the petitioners and they being the parents, 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 POSCO Court, 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 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.

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sd/-
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/ 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,
POCSO COURT, THOOTHUKUDI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THOOTHUKUDI, THOOTHUKUDI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11077 of 2021
Date :12/08/2021

gns
USK/PN/SAR-I : 19/08/2021 : 3P/4C