



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11146 of 2021

1. P.Kandhasamy
2. K.Valarmathi
3. S.Rajendran
4. R.Nagajothi

... Petitioners/Accused No.2 to 5

Vs

The State Represented by
The Inspector of Police,
All Women Police Station (Awps),
Thiruparankundram, Madurai District.
Cr.No.12 of 2021.

... Respondent/Complainant

For Petitioners : Mr.K.Dinesh,
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. 12 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 10 of Prohibition of Child Marriage Act, 2006 and Sections 5(1), 6, 16 and 17 of Protection of Children from Sexual Offences Act, 2012, in Crime No.12 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioners conducted child marriage between the victim girl, aged 17 years and the first accused. The complaint has been registered at the instance of the Women Rural Welfare Officer, Thirupparankundram Union, Madurai.



3. The learned counsel for the petitioners submits that the petitioners 1 and 2 are the parents of the first accused and the petitioners 3 and 4 are the parents of the victim girl. The learned counsel would further submit that the petitioners are relatives and in view of the Covid-19 pandemic situation, without knowing the consequences, they committed the offence and now, they have realized their mistake.

4. The learned Government Advocate (Criminal Side), opposed this petition on the ground that investigation is yet to be completed.

5. Considering the nature of offence and that the petitioners are the parents of the victim and the first accused, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or 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 trial of cases under POCSO Act, Madurai, 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, until further orders.

[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.



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 TRIAL OF
CASES UNDER POCSO ACT,
MADURAI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION (AWPS),
THIRUPARANKUNDRAM, MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11146 of 2021
Date :11/08/2021

SS/JM/SAR-I/17.08.2021 : 3P/4C