



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11763 of 2021

1. SUDHA,
2. DHEIVAM,
3. IRULAYEE, ... PETITIONER/ACCUSED 2 TO 4

VS

THE INSPECTOR OF POLICE,
VENKITTANKURICHI POLICE STATION,
PARAMAKUDI TALUK,
RAMANATHAPURAM DISTRICT.
(CRIME NO.264 OF 2021) ... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.JEGANATHAN C,
ADVOCATE.
FOR RESPONDENT : MR.T.SENTHILKUMAR,
GOVERNMENT ADVOCATE (CRL.SIDE)

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

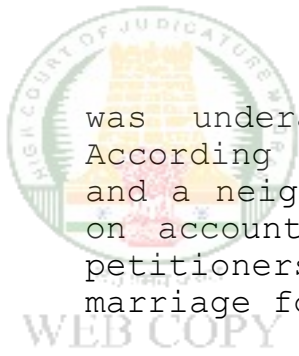
PRAYER :-

For Anticipatory Bail in Crime No.264 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 to A4, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 5 (I), 6 of POCSO Act and 9 and 10 of Child Marriage Act 2006 in Cr.No.264 of 2021, seek anticipatory bail.

2. The first petitioner is the mother of the victim girl. The second petitioner is the father and the third petitioner is the aunt of the victim girl and mother of the first accused. The complaint itself has been lodged at the instance of the defacto complainant, when she was induced by the Doctors at the time of delivery that she



was underage and had delivered a male child on 28.07.2021. According to the victim girl, the first accused is her uncle's son and a neighbour. They moved closely and had physical relationship, on account of which, she became pregnant. On knowing this, the petitioners in order to avoid any further complication, had arranged marriage for the victim girl with the first accused.

3. The learned counsel for the petitioners submitted that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. The first accused and the defacto complainant fell in love with each other, due to which, the defacto complainant became pregnant. With no other options, the marriage was solemnized.

4. The learned Government Advocate(Crl.Side) submitted that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and also the fact that the victim girl and the first accused had physical relationship without the knowledge of the petitioners and since the victim girl became pregnant, the petitioners in order to avoid further complications, arranged the marriage, without knowing the consequences, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

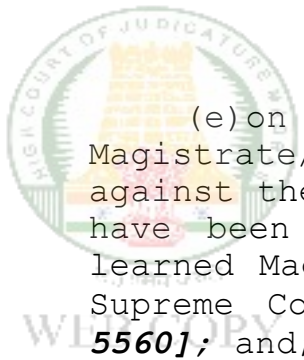
6. Accordingly, the Criminal Original Petition is ordered. The petitioners are directed to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Paramakudi, on condition 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition 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 first petitioner shall report before the 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 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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/08/2021

/ TRUE COPY /

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

OGY

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,
Paramakudi.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. The Inspector of Police,
Venkittankurichi Police Station,
Paramakudi Taluk,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.11763 of 2021
Date : 31/08/2021

GC/SKN/SAR-IV(07.09.2021) 3P 5C