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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.12308 of 2021

1.Satham Hussain

2.Ummal Habiba

3.Jalath Banu

4.Sahul Hameed ... Petitioners/Accused Nos.1 to 4

Vs

The State Rep. by
The Inspector of Police
All Women Police Station
Aranthangi
Pudukottai District
Crime No.10 of 2021 ...Respondent/Complainant

For Petitioners : Mr.T.Lenin Kumar
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/A1 to A4, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 5(l), 5(i)(ii), 5(m) r/w Section 6(i) of the Protection of Children From Sexual Offences Act, 2019 and Sections 9 and 11 prohibition of Child Marriage Act, 2006, in Crime No.10 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners 2 to 4 have arranged the marriage to the fourth petitioner's daughter who is a minor girl aged about 17 years with the first petitioner herein. Hence, the complaint.

3.The learned counsel for the petitioners would submit that without knowing the exact age of the minor girl, the petitioners have arranged the marriage between the fourth petitioner's daughter and the first petitioner. Now, a child was also born to them. He

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would further submit that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the petitioners.

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

5.Taking into consideration of the facts and circumstances of the case and the nature of allegation levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 Mahila Court, Pudukottai, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

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

(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];*** and;

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

sd/-
31/08/2021

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

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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.

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TO

1. THE MAHILA COURT,
   PUDUKOTTAI

2. THE CHIEF JUDICIAL MAGISTRATE
   PUDUKOTTAI DISTRICT

3. THE INSPECTOR OF POLICE
   ALL WOMEN POLICE STATION, ARANTHANGI,
   PUDUKKOTTAI DISTRICT.

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

CRL OP(MD) No.12308 of 2021
Date :31/08/2021

SB/SKN/SAR-II/09.09.2021/ 3P 5C

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