



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/09/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.13327 of 2021

1. Petchimuthu
2. Murugan
3. Lakshmi
4. Kaliammal

... Petitioners/Accused
No.1 to 4

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Tirunelveli Rural,
Tirunelveli City.
(Crime No.10 of 2021)

... Respondent/Complainant

For Petitioners : Mahendran M., Advocate.

For Respondent : M/s.T.Senthilkumar,
Additional Public Prosecutor

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, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 5 (1), 5(j)(ii) and 6 of POCSO Act 2012 and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, in Crime No.10 of 2021, on the file of the respondent Police, seeks anticipatory bail.



2. The case of the prosecution is that the first accused and the victim girl, aged about 17 years, fell in love with each other and they had physical relationship, due to which, the victim girl was pregnant. After knowing the same, both the family members arranged their marriage and their marriage was solemnized on 12.02.2021 and the victim girl gave birth to a baby girl on 11.06.2021. On the information given by the hospital authorities, the defacto complainant lodged the complaint.

3. The learned counsel for the petitioner submits that it is a case of love affair and the victim girl loved the first petitioner/A1 and with the consent of both the family members, the marriage was solemnized. The petitioners 2 to 4 are in-laws of the victim girl. Hence, he prayed for grant of anticipatory bail.

4. The learned Additional Public Prosecutor submits that the victim girl was also produced before the concerned Judicial Magistrate, where, the statement of the victim girl was recorded under Section 164 Cr.P.C, in which, she has stated that she had love affair with the first petitioner and had physical relationship with him. On knowing that, her parents also arranged her marriage with the first petitioner.

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 in her statement stated that she had love affair with the first petitioner and had physical relationship with him and on knowing the same, her parents also arranged her marriage with the first petitioner, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the Criminal Original Petition is allowed. 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 POCSO Act Cases, Tirunelveli, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judge 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 Judge 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 daily at 10.30 a.m. 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 Judge/ 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 are released on bail by the learned Judge/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/-
28/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.I)
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 SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUNELVELI RURAL,
TIRUNELVELI CITY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.13327 of 2021
Date :28/09/2021