



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

Date : 28/09/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14033 of 2021

1. THAVAMANI
2. MALAR

... PETITIONERS/2,3 ACCUSED

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
PALAMEDU POLICE STATION,
MADURAI DISTRICT.
CRIME NO.205 OF 2021.

... RESPONDENT/COMPLAINANT

For Petitioners: M/s.M.Ramasubramanian,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor (Crl.Side).

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

PRAYER :-

For Anticipatory bail in Crime.No.205 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 9 and 10 of the Prohibition of Child Marriage Act and 366 IPC r/w. 6 of POCSO Act, in Crime No.205 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The petitioners are the parents of the victim girl. The victim girl, aged about 15 years, had love affair with one Dhass. On knowing the same, the petitioners have arranged her marriage with the first accused on 23.05.2021. Thereafter, on 20.06.2021, the victim girl was missing. Hence, the complaint. Originally, a case has been registered as Girl Missing and subsequently, it was altered under Sections 9 and 10 of the Prohibition of Child Marriage Act and 366 IPC r/w. 6 of POCSO Act 2012.



3.The learned counsel for the petitioners submits that the victim girl, who is the daughter of the petitioners, is very well known to the first accused and on her instigation only, they arranged her marriage with the first accused.

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 one Dhass and on knowing the same, the petitioners have arranged her marriage with the first accused. Therefore, she voluntarily eloped with the said Dhass and now, she returned to her parental home.

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 one Dhass and since the petitioners have arranged her marriage with the first accused, she voluntarily eloped with the said Dhass and now, she has returned to her parental home, 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 Special Court for POCSO Act Cases, Madurai, 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

WEB COPY

/ 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 POCSO ACT CASES,
MADURAI.
 2. THE INSPECTOR OF POLICE,
PALAMEDU, POLICE STATION,
MADURAI DISTRICT.
 3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.RAMASUBRAMANIAN M Advocate SR.No.6685.

ORDER
IN
CRL OP(MD) No.14033 of 2021
Date :28/09/2021

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