



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

Date : 16/09/2021

PRESENT

The Hon`ble Mr.Justice **B.PUGALENDHI**

CRL OP(MD).No.13600 of 2021

1. Ravikumar @ Ravi
2. Ajith

... Petitioners/Accused
Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Nagaiahpuram Police Station,
Madurai District.
(Crime No.55/2021)

... Respondent/Complainant

For Petitioners : Mr.S.Pandiyaraj,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabhakar,
Additional Public Prosecutor

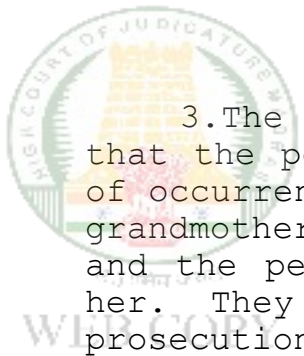
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For the Anticipatory bail in the Crime No.55/21 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 9,10,11 of Prohibition of Child Marriage Act, Sections 7 and 8 of Protection of Children From Sexual Offences Act and 506(i) of IPC, in Crime No.55 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a Rural Welfare Officer and the victim girl's family resides in Thottiapatti, Peraiyur Taluk. On 15.06.2021 the first accused Maranaadu came to the victim girl's house with these petitioners at about 10.00 a.m., when the victim girl's mother went to work and all the accused were conjointly pulled her and caught hold of her and in spite of her strong refusal, the first accused tied a thali. Later, her mother returned home, she shedded tears while narrating the said incident to her mother. Her mother did not take a fuss out of it but asked the victim girl to obey the words of the first



3.The learned counsel for the petitioners would further submit that the petitioners are friends of the first accused. On the date of occurrence, the fourth accused Dhanalakshmi, who is victim girl's grandmother, asked the petitioners to purchase garlands for temple and the petitioners have also purchased the garlands and given to her. They have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case. Hence, he seeks for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the respondent police has produced the victim girl before the learned Chief Judicial Magistrate, Peraiyur and her statement under Section 164 of Cr.P.C., has also been recorded. A perusal of 164 Cr.P.C., statement reveals the fact that when the victim child was studying 8th standard, marriage was solemnized between the victim child and the first accused at the instance of A4 her grand-mother and A5-her mother. These petitioners are only friends of A1 and they assisted in the process of marriage.

5.Considering the nature of allegations as against the first petitioner and also considering the three previous cases pending against him, this petition is dismissed as against the first petitioner.

6. Taking into consideration of the facts and circumstances of the case and the second petitioner is only a friend of the first accused, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed in respect of the second petitioner alone and the second petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court for Exclusive Trial of Cases under POCSO Act, Madurai, on condition that the second petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Court concerned and on further conditions that:

(a)the second petitioner 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 second petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the second petitioner shall not tamper with the evidence or witness either during investigation or trial;



(d)the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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/second petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

16/09/2021

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/ /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 SPECIAL JUDGE FOR EXECLUSIVE TRIAL
OF CASES UNDER POCSO ACT, MADURAI.
2. THE INSPECTOR OF POLICE,
NAGAIAPURAM POLICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.13600 of 2021

Date :16/09/2021

AM/CSM

MS/VR/SAR-2/22.09.2021/3P.4C