



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . Nos.16062 and 17220 of 2021

1. N.Easwaran
 2. E.Lakshmi
 3. A.Saranya
- ... Petitioners/Accused No.5 and 6
in Crl.O.P.(MD)No.16602/2021
- ... Petitioner/Accused No.4
in Crl.O.P.(MD)No.17220/2021

Vs

State through
The Inspector of Police,
All Women Police Station,
Srivaiguntam,
Thoothukudi District.
(Crime.No.12 of 2021)

... Respondent /Complainant
in both petitions

In both petitions

For Petitioners :Mr.S.Malaikani
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

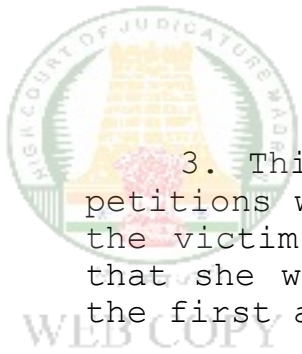
COMMON PRAYER :-

For Anticipatory bail in Crime.No.12 of 2021 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners/A4 to A6, who apprehend arrest at the hands of
the respondent police for the offence punishable under Sections 9
and 10 of the Prohibition of Child Marriage Act, 2006 and Section
5(i) r/w. Section 6 of the POCSO Act, in Crime No.12 of 2021, on the
file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that one Rajalingam/A1
married one Arockiya Jessy, who has not attained the age of 18
years, three months ago, with the help of the petitioners. Hence,
the case.



3. This is the third anticipatory bail petition. The earlier petitions were dismissed by this Court, considering the statement of the victim recorded under Section 164 Cr.P.C., wherein, she stated that she was prevented from pursuing her study and forced to marry the first accused.

4. The learned counsel for the petitioners submits that the petitioners realized their mistake and they have taken demand drafts for a sum of Rs.1,00,000/- in the name of the victim girl for her future studies. To that effect, the learned counsel for the petitioners also produced demand drafts. The learned counsel for the petitioners submits that they are ready to file an undertaking affidavit that the victim girl will pursue her studies without any disturbance. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. Heard the learned Government Advocate (Crl. Side).

6. In view of the demand drafts taken in the name of the victim girl for her future studies and their willingness to file an undertaking affidavit that the victim girl will pursue her study without any disturbance, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, both the Criminal Original Petitions are 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, Thoothukudi District, 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 hand over the demand drafts of Rs.1,00,000/-, which have been taken in the name of the victim girl, to the respondent Police, who shall ensure that the Demand Draft is duly deposited in the Bank Account of the victim girl and also ensure that the victim girl is provided education in a good Educational Institution.

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioners shall file an undertaking affidavit that the victim girl will pursue her studies without any disturbance, before the concerned Child Welfare Officer, who shall ensure that the victim girl pursues her study without any disturbance.

<https://hccases.hccourt.gov.in/cases>

(e) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(f) the petitioners shall not abscond either during investigation or trial;

(g) 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;

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

Sd/-

24/11/2021

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/ /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 SPECIAL COURT FOR POCSO ACT CASES,
THOOTHUKUDI DISTRICT.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVAIGUNTAM,
THOOTHUKUDI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE OFFICER INCHARGE,
CHILD WELFARE OFFICER
THOOTHUKUDI DISTRICT.

+2 CC to M/s.S.MALAIKANI, Advocate (SR-8477,8478[I] dated 24/11/2021)

COMMON ORDER

IN

CRL OP(MD). Nos.16062 and
17220 of 2021

Date : 24/11/2021

VB/VR/SAR-IV/29.11.2021/3P/7C

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