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

Date : 22/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15522 of 2021

1.Lakshmi,
W/o.Suruliappan

2.Kumar
S/o.Suruiappan

3.Kannan
S/o.Ponram

4.Uma
W/o.Kannan

... Petitioners/Accused Nos.2 to 5

Vs

State Rep by
The Sub Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
(Crime No.13 of 2021). ... Respondent/Complainant

For Petitioner : M/s.Gunasekaran P,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.13 of 2021 on the file of
the respondent police.



ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 9, 10 of Child Marriage Restraint Act, 1929 and 6 of POCSO Act in Crime No.13 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that based on the information received from the Government Hospital, Theni, the Sub-Inspector of Police conducted an enquiry with the defacto complainant namely Kodeeswari, who was admitted in the Government Hospital. On enquiry, it was revealed that the above said Kodeeswari is aged about 16 years and she got married with one Mani/first accused on 25.05.2021 and she became pregnant. Therefore, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that the accused No.1 got married the defacto complainant without the consent of the petitioners and the petitioners had no knowledge about their love affair.

4.The learned Additional Public Prosecutor appearing for the respondent police has produced the statement recorded from the victim girl under Section 164 Cr.P.C, in which, she has stated that she had love affair with the first accused, however, her parents have not accepted their love. Hence, without the consent of her parents, she married the first accused.

5.Considering the statement of the victim girl recorded under Section 164 Cr.P.C., and the stage of the investigation, this Court is inclined to grant anticipatory bail to the petitioners.

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 Special District Court, Mahila Court, Theni 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/10/2021

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

ssb

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 Judge, Special District Court,
Mahila Court, Theni.
2. The Sub Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.



3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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ORDER IN
CRL OP(MD) No.15522 of 2021
Date : 22/10/2021

TR/PN/SAR-I(01.11.2021) 4P 4C