



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 12/10/2021

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15918 of 2021

1. Rayappa,  
S/o.Anandharaj,
2. Anandha Raj,  
S/o.Jebamalai,
3. Annammal,  
W/o.Anandharaj,
4. Arulandhu,  
S/o.Soosai,
5. Arul Thapuraj,  
S/o.Arul,
6. Vijaya@marianayagam,  
W/o.Jesudass,
7. Michael,  
S/o.Kasbar,
8. Alangar,  
W/o.Martin,
9. Maria Thilaga,  
W/o,Jaya Kumar,
10. Malliga,  
W/o.Anthony Samy,

...Petitioners/

Accused Nos.1, 3, 4, 6, 10,  
15, 16, 18, 21 & 24

Vs.

State rep. by

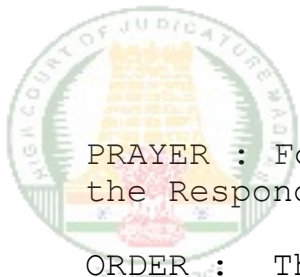
The Inspector of Police,  
All Women Police Station,  
Sivagangai District.

(In Crime No.26 of 2021). ... Respondent/Complainant

For Petitioners : Mr.Kumar.T,  
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,  
Additional Public Prosecutor

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



**PRAYER :** For Anticipatory Bail in Crime no.26 of 2021 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

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The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 9, 10, 11 of Prohibition of Child Marriage Act 2006 and Section 7, 8 of POCSO Act 2012, in Crime No.26 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the victim girl's family are close relatives. They arranged marriage for the victim girl, who is a minor with the first accused. Hence, the case has been registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor strongly opposed to grant anticipatory bail to the petitioner.

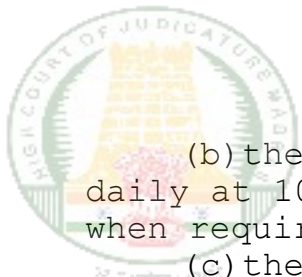
5.Since the petitioners 2 to 10 compelled the victim girl to marry the first petitioner, this Court is not inclined to grant anticipatory bail to these petitioners. This Criminal Original Petition is dismissed insofar as the petitioners 2 to 10.

6.Taking into consideration the facts and circumstances of the case, the other accused only arranged marriage for the first petitioner/accused No.1, the custodial interrogation of the first petitioner is not warranted. Hence, this Court is inclined to grant anticipatory bail to the first petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is partly allowed and the first petitioner is 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 the Exclusive Trial of the POCSO Act Cases, Sivagangai, Sivagangai District, on condition that the first 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 Magistrate concerned and on further conditions that:

(a)the first 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

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(b)the first petitioner shall report before respondent police daily at 10.30 am., for the period of 30 days and thereafter, as and when required for interrogation.

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

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

sd/-  
12/10/2021

/ TRUE COPY /

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

VSD/CSM

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 the Exclusive Trial of  
the POCSO Act Cases, Sivagangai, Sivagangai District
2. The Inspector of Police,  
All Women Police Station,  
Sivagangai District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

ORDER IN  
CRL OP(MD) No.15918 of 2021  
Date : 12/10/2021

TR/SKN/SAR-I(20.10.2021) 3P 4C

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