



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16136 of 2021

WEB COPY

1. Thangappan,

2. Suthanthiram

... Petitioners / Accused No.2 & 3

Vs

The State of Tamilnadu Rep. by
The Inspector of Police,
All Women Police Station,
Thoothukudi District.
(Crime No.11 of 2019)

... Respondent / Complainant

For Petitioner : M/s. Radhakrishnan.G.,
Advocate.

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

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

PRAYER :-

For Anticipatory bail in Crime.No.11 of 2019 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 offence punishable under Sections 9, 10 and 11 of the Tamil Nadu Prohibition of Child Marriage Act, 2006 @ Section 17 r/w. 18 of POCSO Act, in Crime No.11 of 2019, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners herein arranged marriage for the minor girl with the consent of both family members. On receiving the information, the Social Welfare Officer lodged a complaint before the respondent Police.

3.Learned Counsel for the petitioners submitted that this Court has already considered the case of the petitioners and granted anticipatory bail to the them, vide order dated 29.04.2019, made in Crl.OP(MD)No.6350 of 2019, with certain conditions. But, the petitioners could not arrange sureties in time and therefore, they filed a petition for extension of time before this Court in Crl.M.P. (MD)No.6150 of 2021, which was dismissed by this Court on 27.09.2021. The petitioners were granted liberty to file a fresh petition. Therefore, they moved this second anticipatory bail application. Hence, he prayed for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.side) appearing for the respondent police admitted that the petitioners have already been granted anticipatory bail by this Court, in Crl.OP(MD)No.6350 of 2019, dated 29.04.2019 and further submitted that they have not complied with the conditions stipulated therein.

5.Considering the nature of allegation levelled against the petitioners, the fact that they have already been granted anticipatory bail by this Court and their failure to comply with the conditions stipulated therein, 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 on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Tuticorin, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b]the first petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders and the second petitioner 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 are 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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/10/2021

/ TRUE COPY /

/ /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 JUDICIAL MAGISTRATE NO.III,
TUTICORIN.
- 2.DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.16136 of 2021
Date :25/10/2021

SB/SKN/SAR-IV/28.10.2021/3P/5C