



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11.11.2021

WEB COPY

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.17338 of 2021

1.Anandha Raj
2.Annammal

... Petitioners/Accused No.A3, A4.

Vs.

The State rep.by,
The Inspector of Police,
All Women Police Station,
Sivagangai District.
In Crime No.26 of 2021.

... Respondent/Complainant

For Petitioners : Mr.T.Kumar, Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.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 :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 9, 10 and 11 of Prohibition of Child Marriage Act, 2006 and Sections 7 and 8 of POCSO Act, 2012 in Crime No.26 of 2021 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2. The case of the prosecution is that the petitioners and the victim girl's family are close relatives and the petitioners have 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 first accused was granted anticipatory bail by this Court in CrI.OP(MD)No.15918 of 2021 on 12.10.2021. Hence, he seeks anticipatory bail for the petitioners.



4. Heard the learned Additional Public Prosecutor for the respondent police.

5. The first accused, who is the main accused was granted anticipatory bail by this Court on 12.10.2021. The petitioners are only the parents of the first accused. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Special Court for the trial of cases under the POCSO Act, Sivagangai, Sivagangai District and on them executing 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 Magistrate may obtain a copy of their Aadhaar cards or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of thirty days and thereafter, as and when required for interrogation;

(c) the petitioners shall not tamper with 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/-
11/11/2021

/ TRUE COPY /

/ /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 COURT FOR THE TRIAL OF
CASES UNDER THE POCSO ACT,
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.17338 of 2021
Date :11/11/2021

mbi

MK/VR/SAR.IV/16.11.2021/3P/4C