



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17755 of 2021

1. Esakkiammal @ Sindhu,
2. Sathiya,
3. Kumar,
4. Rajesh,
5. Kannagi @ Kannaki, ... Petitioners/Accused No.2 to 6

Vs

1. The State Rep. By
The Sub Inspector of Police,
All Women Police Station, Nagercoil,
Kanyakumari District. ... Respondents/Complainants
Cr.No.45/2021.
2. K.Senbagam, ... Respondent / Defacto complainant

For Petitioners: Mr.G.Anto Prince,
Advocate.

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

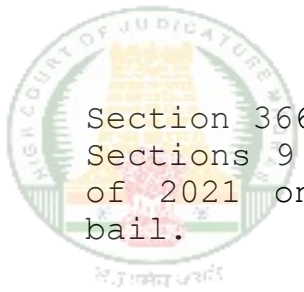
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

To enlarge the petitioners on bail in the event of their arrest in Connection with Cr.No.45 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

<https://hcservices.ecourts.gov.in/hcservices/>
The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections



Section 366 I.P.C and Sections 5(1), 6 and 17 of POCSO Act, 2012 and Sections 9 & 10 of Prohibition of Child Marriage Act in Crime No.45 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 27.04.2021 at about 09.00 p.m., the first accused kidnapped the victim girl, married her with the aid of the petitioners and made repeated sexual assault. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that first accused and the victim girl loved each other and that the marriage was conducted by the family members of the first accused and the victim, ie., the petitioners. The first accused was arrested and released on bail. Hence, he prays for grant of anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent police submits that the first accused had love affair with the victim girl and on knowing the same, the petitioners had performed the marriage.

5.Considering the facts that there was love affair between the victim and the first accused and thereafter the marriage was solemnized by their family members, that the first accused was arrested and released on bail by this Court in Crl.OP(MD)No.16937 of 2021 dated 01.11.2021 and that the petitioners are the parents of first accused and victim, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, 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 learned Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, 2012, Kanyakumari 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

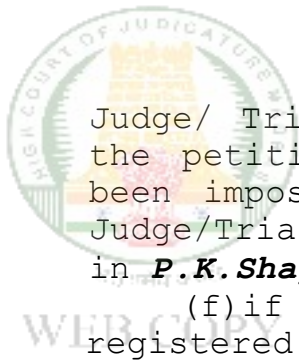
a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent Police Station daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

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

<https://hcservices.ecourt.gov.in/hcservices> petitioners shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned



Judge/ 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 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;

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

sd/-

16/11/2021

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

PNM

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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT, 2012,
KANYAKUMARI DISTRICT.
- 2.THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-8128[I] dated 16/11/2021)

ORDER

IN

CRL OP(MD) No.17755 of 2021

Date :16/11/2021

SB/CN/SAR-II/22.11.2021/3P/5C