



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7759 of 2022

1 MURUGAN

[PETITIONER / ACCUSED]

2 CHITRA

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GOBICHETTIPALAYAM,
ERODE DISTRICT.
(CRIME NO.03 OF 2022)

For Petitioner : M/S.M.VIJAYARAGAVAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

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 366(A) of IPC and Section 9 of Prohibition of Child Marriage Act of 2006 and Sections 5(1) r/w 6 of POCSO Act 2012 in Crime No.03 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The petitioners herein are the parents of the 1st accused. They apprehend arrest on the complaint given by one minor girl alleging that Thangaraj, who is the son of the petitioners herein, enticed her and married her illegally. Thereafter started torcher the victim girl, who is less than 17 years of age.

3. Since the offence has been committed by the said Thangaraj, 164 statement of the victim has implicated the said Thangaraj and not these petitioners. Therefore, taking note of the fact that the said Thangaraj has already detained in the custody and custodial



interrogation of these petitioners are not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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4. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the **Learned Sessions Judge, Mahila Court, Erode** on condition that each of the petitioners shall execute a separate bonds 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

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

(c) **the petitioners shall report before the Investigating Officer as and when required;**

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

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;



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

-sd/-

04/04/2022

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This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE, MAHILA COURT,
ERODE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GOBICHETTIPALAYAM,
ERODE DISTRICT.

+1 CC to M/S.M.VIJAYARAGAVAN Advocate on payment of necessary
charges SR.NO.5282

CRL OP.7759/2022

Date :04/04/2022

TA-08/04/2022