



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.9086 of 2022

1 K.KALIYAMOORTHY
2 K.AMSAVALLI
3 P.PICHAJ
4 P.JANAKI

[PETITIONERS / ACCUSED]

Vs

STATE REP
THE INSPECTOR OF POLICE
AWPS, PERAMBALUR POLICE STATION,
PERAMBALUR DISTRICT.
CRIME NO. 15 OF 2022.

[RESPONDENT]

For Petitioner : M/S. T.BALACHANDRAN Advocate

For Respondent : M/S.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 offence punishable under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 r/w under Section 5(I), 5 (n) and 6 of POCSO Act, in Crime No.15 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The petitioners are parents and in-laws of the minor victim girl. Based on the complaint given by the Women Welfare Officer, case has been registered against them for an alleged offences under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 r/w under Section 5(I), 5(n) and 6 of POCSO Act.



3. The respondent police has recorded the statement of the victim girl under Section 164 of Cr.P.C and the investigation has been substantially completed.

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4. Considering the facts and circumstances of the case and the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioners.

5. 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 Mahila Court, Perambalur District, on condition that the petitioners shall execute separate bonds for a sum of Rs.50,000/- (Rupees Fifty 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) 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 for interrogation;

(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 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]; and;



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

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-sd/-
28/04/2022

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 MAHILA COURT,
PERAMBALUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
AWPS, PERAMBALUR POLICE STATION,
PERAMBALUR DISTRICT.

+1 CC to M/S. T.BALACHANDRAN Advocate on payment of necessary charges SR.NO. 6526

CRL OP.9086/2022

Date :28/04/2022

RW 05/05/2022