



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10496 of 2022

1 MADHAVAN
2 CHITRA

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RASIPURAM, NAMAKKAL.
(CRIME NO.04 OF 2022)

[RESPONDENT]

For Petitioner : M/S. W.CAMYLES GANDHI Advocate

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

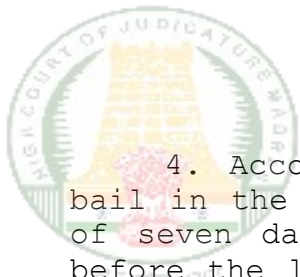
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence **under Sections 366 of I.P.C and Section 9 Child Marriage Act r/w Section 5 (1), 5 (j) (ii) r/w 6 of POCSO Act**, in Crime No.04 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. It is seen from the submission of counsel appearing for parties that, victim girl and the first accused were in love with each other and without the knowledge of first accused parents, they got married on 10.11.2021. Petitioners are the parents of victim girl. The case in Crime No.04 of 2022 is registered for the offence under Section **366 of I.P.C and Section 9 Child Marriage Act r/w Section 5 (1), 5 (j) (ii) r/w 6 of POCSO Act**.

3.Taking note of the facts and circumstances of the case, the fact that age of the victim is 17 years and age of the first accused is 20 years and that first accused is arrested and demanded to judicial custody, this Court is of the view that custodial interrogation of the petitioners are not necessary. Thus, this Court is inclined to grant anticipatory bail to the petitioner.



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 **Judicial Magistrate, Rasipuram**, on condition that the petitioners shall execute separate bond for sum of Rs.25,000/- each (Rupees Twenty Five Thousand Only) each, 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) the petitioners and the sureties shall affix his 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;

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

(c) **the petitioners shall report before the Investigating Officer daily at 10.30.a.m., until further orders;**

(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 petitioner in accordance with law as if the conditions has been imposed and the petitioner 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
06/05/2022

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.



1 THE JUDICIAL MAGISTRATE,
RASIPURAM, NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
RASIPURAM, NAMAKKAL.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO.6831

CRL OP.10496/2022

Date :06/05/2022

TA-12/05/2022