



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11312 of 2022

1 BOOPATHI
2 JAYA
3 KARTHIK
4 JAYANTHI

[PETITIONERS / ACCUSED]

Vs

THE STATE OF TAMIL NADU
THROUGH, THE INSPECTOR OF POLICE,
AWPS TIRUCHENGODE POLICE STATION,
NAMAKKAL DISTRICT.
(CRIME NO.17 OF 2022)

[RESPONDENT]

For Petitioners : DEEPANUDAY Advocate

For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

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 offences punishable under Sections 5(L), 5(j) (ii) of POCSO Act r/w Sections 6 and 9 of Child Marriage Act in Crime No.17 of 2022, seek anticipatory bail.

2. The case of the prosecution is that A2 to A4 arranged marriage between the first accused and the victim girl aged about 17 years. The first accused and the victim got married and due to their marriage, the victim got pregnant. When the victim went to the hospital for medical check up, the hospital authorities found that the victim is a minor and lodged a complaint. It is also seen that all the petitioners are illiterate. The marriage between the first accused and the victim is an arranged one.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are close relatives and they arranged marriage between the first accused and the minor girl. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Tiruchengode, Namakkal District, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 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].



[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
18/05/2022

WEB COPY

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 JUDICIAL MAGISTRATE,
TIRUCHENGODE, NAMAKKAL DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AWPS TIRUCHENGODE POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to DEEPANUDAY Advocate on payment of necessary charges
SR.NO.7288

CRL OP.11312/2022

Date :18/05/2022

JPA 19/05/2022