



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11827 of 2022

1 R.MANIGANDAN [PETITIONERS / ACCUSED]
2 MAHESWARI
3 RAVI
4 MACHAGANDHI

Vs

THE STATE REP BY [RESPONDENT]
INSPECTOR OF POLICE,
KANCHEEPURAM ALL WOMEN POLICE STATION,
KANCHEEPURAM DISTRICT.
(CRIME NO.NOT KNOWN OF 2022)

For Petitioner : M/S.R.PARTHIBAN 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 :-

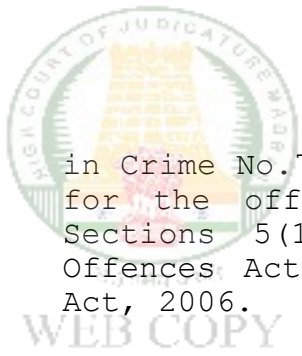
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b) and 506(ii) of IPC in Crime No.Not known of 2022, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner married the daughter of the second petitioner aged about only 16 years and she became pregnant. Hence, the complaint.

3. The learned Additional Public Prosecutor would submit that on the complaint given by the defacto complaint, FIR has been registered against the petitioners in Crime No.7 of 2022 under Sections 365, 366, 376(2)(n) of IPC and Sections 5(1), 5(j)(ii), 6 of Projection of Child from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006.

4. It is seen that the first petitioner aged about 29 years and the victim girl aged about 16 years eloped and got married. Thereafter, they had physical relationship and due to which, the victim girl got pregnant. Since she is a minor, their marriage is yet to be registered. However, they are living together.

5. Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners



in Crime No.7 of 2022 on the file of the respondent police registered for the offences under Sections 365, 366, 376(2)(n) of IPC and Sections 5(1), 5(j)(ii), 6 of Protection of Child from Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006.

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 Court-I, Kancheepuram on condition that each of the petitioners shall execute a separate 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 first petitioner alone shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation. The other 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 themselves 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/-

19/05/2022

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

TRUE COPY



TO தீர்துறை நீதிமன்றம்

WEB COPY

1 THE JUDICIAL MAGISTRATE COURT NO.I,
KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
KANCHEEPURM DISTRICT.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KANCHEEPURAM ALL WOMEN POLICE STATION,
KANCHEEPURAM DISTRICT.

+1CC to M/S.R.PARTHIBAN Advocate on payment of necessary
charges SR.7633

CRL OP.11827/2022

Date :19/05/2022

SRG 20/05/2022