



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRIMINAL ORIGINAL PETITION No.12483 of 2022

1 ELUMALAI

[ PETITIONERS / ACCUSED ]

2 CHINNAPONNU

Vs

STATE REP BY

[ RESPONDENT ]

THE INSPECTOR OF POLICE,  
THIRUKOILUR, AWPS,  
THIRUKOILUR,  
KALLAKURICHI DISTRICT  
CRIME NO.6 OF 2022

For Petitioners : M/S. R.PRABHU DOSS Advocate

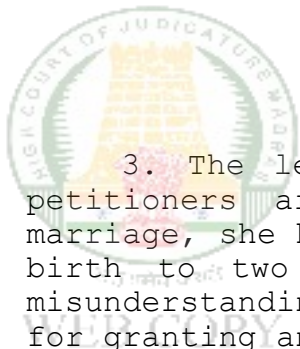
For Respondent : MR.N.MUTHUVEL, Govt. Advocate ( Crl. Side)

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 offences punishable under Sections 354A(2), 354A(1)(i), 376 (2)(n), 376(3) & 34 of I.P.C r/w Sections 6(1), 5(j)(ii), 5(1) & 5(n) of POCSO Act r/w Section 75 of the Juvenile Justice (Care and Protection of Children) Act, 2015 r/w Sections 3 & 6 of Child Marriage Restraint Act, 1929 r/w Sections 9 & 11 of Prohibition of Child Marriage Act in Crime No.6 of 2022, seek anticipatory bail.

2. The petitioners are the parents of the victim girl. The allegation against the petitioners is that they forcibly married their daughter to the first accused on 09.07.2017, when she was aged 14 years. After the marriage, the victim girl has given birth to two children. As there was some misunderstanding between the parties, the present complaint has been lodged.



3. The learned Counsel for the petitioners submitted that the petitioners are the parents of the defacto complainant. After marriage, she has been living with her husband for four years and gave birth to two children. He further submitted that due to some misunderstanding, she has lodged the above complaint. Hence, he prays for granting anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that the defacto complainant is now 19 years old and she is having two children.

5. Considering the fact that the defacto complainant has been living with her husband for more than four years and gave birth to two children, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 (15) days from the date on which the order copy is made ready, before the learned Judge, Special Court for Exclusive Trial of Cases Registered Under POCSO Act, Villupuram District on condition that the 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 learned Judge 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 learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before respondent police as and when required.

[c] the petitioners shall not tamper with the 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 Judge/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Judge/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 absconds, a fresh FIR can be registered under Section 229-A IPC.



7. With the above directions, this Criminal Original Petition is ordered.

WEB COPY

-sd/-  
01/06/2022

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 JUDGE  
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES  
REGISTERED UNDER POCSO ACT, VILLUPURAM.

2 THE INSPECTOR OF POLICE,  
THIRUKOILUR, AWPS,  
THIRUKOILUR, KALLAKURICHI DISTRICT

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S. R.PRABHUOSS Advocate on payment of necessary charges SR.NO.8335

CRL OP.12483/2022

Date :01/06/2022

JPA 03/06/2022