



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/02/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.478 of 2022

1. Manikalai
2. Vasantha

... Petitioners/Accused No.2 & 3

Vs

The state represented by
The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
(Crime No. 1 of 2022).

... Respondent/Complainant

For Petitioner : M/s.A.KARTHIK,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

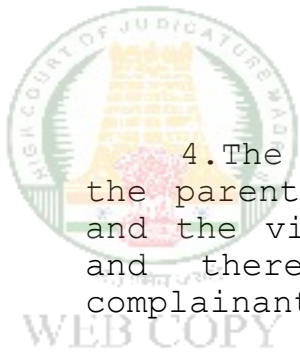
For Anticipatory Bail in Crime No. 1 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 and Sections 5(I) r/w 6, 17 of POCSO Act, 2012, in Crime No.1 of 2022 on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the wife of the first accused, that the parents of the de-facto complainant arranged second marriage for the de-facto complainant, due to which, there was a dispute between both the families. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the petitioners are the parents of the first accused and A4 and A5 are the parents of the de-facto complainant. He would further submit that A1 was already arrested and released on bail and the parents of the victim girl were also granted anticipatory bail by the Sessions Court.



4.The learned Additional Public Prosecutor would submit that the parents of both the accused had conducted marriage between A1 and the victim girl and the marriage was solemnized on 08.09.2021 and thereafter, the complaint was lodged by the de-facto complainant, FIR came to be registered.

5.Considering the nature of the charges levelled against the petitioners and also the facts that A1 was already released on bail and the parents of the victim girl were also granted anticipatory bail by the Sessions Court and that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Fast Track Mahila Court, Theni, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 daily at 10.30 am for a period of one month and thereafter, 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 petitioner in accordance with law as if the conditions have 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/02/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



SJI

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDGE,
FAST TRACK MAHILA COURT, THENI.
 - 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, UTHAMAPALAYAM,
THENI DISTRICT.
 - 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/s.A.KARTHIK Advocate SR.No.1356

ORDER
IN
CRL OP(MD) No.478 of 2022
Date :21/02/2022

SS/PN/SAR-IV/28.02.2022 : 3P/5C