



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 14.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3131 of 2022

WEB COPY

1.R.Ayyanar
2.Muniyammal
3.Veluthai @ Velthai

: Petitioners/Accused No.2 to 4

Vs.

State rep.by
The Inspector of Police,
All Women Police Station,
Thirumangalam,
Madurai District.
Crime No.24 of 2021.

: Respondent/Complainant

For Petitioners : Mr.Sivabalan, K.
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.24 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9, 10 of Prohibition of Child Marriage Act, 2006 and under Section 5 (1), 5(i)(ii), 6 and 7 of Protection of Child from Sexual Offences Act, 2012, in Crime No.24 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as a Child Welfare Staff at Thirupparangundram Union, Madurai. On 25.12.2021, the defacto complainant received phone call thorough child Line, that a marriage was solemnized between one Velmurugan/A1 and the victim girl, who was aged below 18 years, in front of both family members. Thereafter, on 23.12.2021, the victim girl, blessed with one female child in the Government Rajaji Hospital at Madurai. Hence, the defacto complainant gave a complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioners jointly performed the marriage of the victim girl with the first accused and she was blessed with one female child.

5.Admittedly, the first and second petitioners are the parents of the first accused and the third petitioner is the mother of the victim.

6.Considering the facts and circumstances of the case and also considering the fact that the main accused was arrested and released on bail, 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 arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge, Special Court for Exclusive trial of cases under POCSO Act, Madurai, 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 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 learned Magistrate may obtain a copy of their Aadhaar 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 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 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]***; and;



(f) if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/02/2022

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/ /2022

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

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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
MADURAI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUMANGALAM,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SIVABALAN, Advocate (SR-1112[I] dated 15/02/2022)

ORDER
IN
CRL OP(MD) No.3131 of 2022
Date :14/02/2022

USK/VR/SAR-III/18.02.2022/3P/5C