



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/03/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4581 of 2022

1.P.Vadivel
2.Manimala
3.T.Balamurugan
4.Pandiammal

... Petitioners/Accused Nos.2,3,4 & 5

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai City,
(In Crime No.10 of 2022)

... Respondent/Complainant

For Petitioners: Mr.Babu Rajendran
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.10 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 to A4 and A5, 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 and Sections 5(1) and 6 of the Protection of Children from Sexual Offence Act, 2012, in Crime No.10 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are said to have arranged the marriage of the victim girl, who is aged about 15 years, with A1. Hence, the complaint.

3.When the matter is taken up for hearing today, the learned counsel for the petitioners seeks permission of this Court to withdraw this petition insofar as the petitioners 1 and 3 are concerned and he has also made an endorsement to that effect. In



view of the same, this petition is dismissed as withdrawn as against the petitioners 1 and 3 are concerned.

4.The learned counsel for the petitioners would further submit that the petitioners 1 and 2, who are the parents of A1 and the petitioners 3 and 4, who are the parents of the victim girl had arranged the marriage of the victim girl with A1 and the marriage was solemnized on 08.09.2021, that subsequently, she became pregnant and that she is now in her parents house.

5.The learned Government Advocate (Crl. side) would submit that the first accused is still absconding and that the petitioners 2 and 4 are not having any bad antecedents.

6.Considering the nature of charges levelled against the petitioners 2 and 4 and also taking note of the fact that the petitioners 2 and 4 are mothers of A1 and the victim girl and also the fact that the petitioners 2 and 4 are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners 2 and 4 with certain conditions.

7.Accordingly, the petitioners 2 and 4 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 Judicial Magistrate No.VI, Madurai, on condition that the petitioners 2 and 4 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:

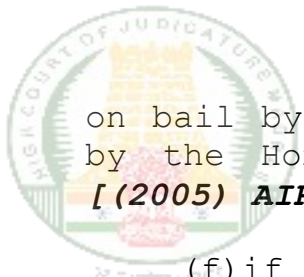
(a)the petitioners 2 and 4 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners 2 and 4 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 2 and 4 shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 2 and 4 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 2 and 4 in accordance with law as if the conditions had been imposed and the petitioners 2 and 4 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/-

15/03/2022

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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 JUDICIAL MAGISTRATE NO.VI,
MADURAI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPPARANKUNDRAM,
MADURAI CITY.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.BABU.RAJENDRAN, Advocate (SR-2033[I] dated 15/03/2022)

ORDER

IN

CRL OP(MD) No.4581 of 2022

Date :15/03/2022

SJI

MS/PN/SAR-3/21.03.2022/3P.6C