



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4681 of 2022

1. Pothumani,
2. Rajendran,
3. Selvi,
4. M.Soundarapandian, ...Petitioners/Accused Nos.1 to 4

Vs

The State Rep by,
The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
(Cr.No.21/2021).

... Respondent/Complainant

For Petitioners : Mr.M.Eswaran,Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

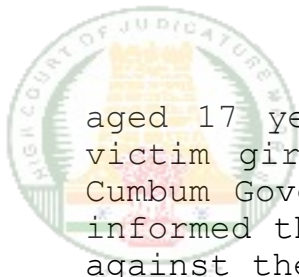
PRAYER :-

For Anticipatory Bail in Crime No. 21 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 366 IPC and Sections 9, 11 of Prohibition of Child Marriage Act, 2006 and Sections 5(j) (ii) r/w 6 and 17 of POCSO Act 2012, in Crime No.21 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage was solemnized between the first accused and the victim girl, who was



aged 17 years, in front of both family members. Due to that, the victim girl became pregnant and subsequently, she was admitted in Cumbum Government Hospital for delivery. The Hospital Authority had informed the respondent and on that basis a case has been registered against the petitioners and the first accused.

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3.The learned counsel appearing for the petitioners would submit that the victim girl is aged 17 years, that the first accused and the victim were in love and since dispute arose between the families, the petitioners/parents of the victim and the first accused had arranged their marriage. He would further submit that the victim girl has been attempting to commit suicide, if the first accused has failed to marry her. He would further submit that when the victim girl was admitted for delivery, after coming to know about the age of the victim, the Hospital Authorities informed the Police and on that basis, FIR came to be registered.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the first accused was arrested and he is in judicial custody and that the petitioners are parents of the victim and the first accused.

5.Considering the facts and circumstances of the case and considering the nature of the charges levelled against the petitioners and also taking note of the fact that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 Judicial Magistrate, Uthamapalayam, 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 1 and 3 shall report before the respondent police as and when required for interrogation.

(c)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.

(d)the petitioners shall not tamper with the evidence or
<https://www.mca21.com> during investigation or trial;



(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

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

sd/-

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

das

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
UTHAMAPALAYAM
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTHAMAPALAYAM,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADRURAI.

ORDER

IN

CRL OP(MD) No.4681 of 2022

Date : 11/03/2022

PKP/SBN/SAR-4/16.03.2022/3P/5C

<https://hcservices.ecourts.gov.in/hcservices/>