



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/04/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5139 of 2022

1.R.Kannan
2.K.Mageshwari

... Petitioners/Accused Nos.4 & 5

Vs.

State rep.by
The Inspector of Police,
All Women Police Station,
Virudhunagar District.
Cr.No. 7 of 2022.

... Respondent/Complainant

For Petitioners : M/S.KALAIVANI.A.
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

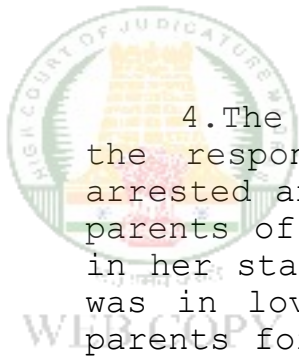
PRAYER :- For Anticipatory Bail in Crime No. 7 of 2022 on the file of the Respondent police.

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 5(1), 6, 16 & 17 of Protection of Child from Sexual Offences Act and 9 & 11 of the Prohibition of Child Marriage Act, 2006, in Crime No.7 of 2022 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. Hence, the 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. He would further submit that the first accused and the victim got married without the knowledge of their parents.



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. He would further submit that the victim girl in her statement recorded under Section 164 Cr.P.C, stated that she was in love with the first accused, she alone had approached her parents for marriage and that her parents have no connection in the said affairs.

5.Admittedly, the petitioners are the parents of the victim.

6.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.

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 Mahalir Needhimandram, (Fast Track Mahila Court, Virudhunagar District, Srivilliputhur, 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 first petitioner 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 second petitioner shall report before the respondent police as and when required for interrogation.

(d)the petitioners shall not tamper with the evidence or witness either 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***



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

sd/-

08/04/2022

/ TRUE COPY /

/ /2022

WEB COPY

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 JUDGE,
MAHALIR NEETHIMANDRAM,
(FAST TRACK MAHILA COURT),
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.5139 of 2022

Date :08/04/2022

SA/SVR/SAR.1/18.04.2022/3P/4C