



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.03.2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.5239 of 2022

1. Ramachandran
2. Pudhumadathi

... Petitioners/Accused No.2 & 3

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Srivilliputhur,
Virudhunagar District.
(Crime No.07 of 2022)

... Respondent/Complainant

For Petitioners: Mr.B.Senthilkumar,
Advocate.

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

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

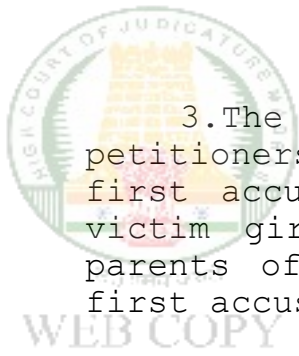
PRAYER :-

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 9 and 11 of Child Marriage Act, 2006 and Sections 16 r/w 17 and 5(I) r/w 6 of POCSO Act, 2012, 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 first accused had married the victim girl, who is aged about 16 years, in the presence of both the parents, who are the other accused. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners, who are the accused 2 and 3, are the parents of the first accused, that the accused 4 and 5 are the parents of the victim girl and that the parents of the first accused and the parents of the victim girl had arranged the marriage between the first accused and the victim girl.

4.The learned Additional Public Prosecutor would submit that the victim girl was aged 16 years at the time of the alleged occurrence, that the petitioners are the parents of the first accused and that the first accused was arrested and is in judicial custody.

5.Considering the nature of the charges levelled against the petitioners and also the facts that the petitioners are not having any bad antecedents and that the main accused was already arrested, 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 on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Additional Mahila Court, Srivilliputhur, Virudhunagar District, 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 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 a.m., for a period of one month and thereafter, as and when required for interrogation and the second petitioner shall report before the respondent police 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]***.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
21/03/2022

/ TRUE COPY /

/ /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 JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.B.SENTHIL KUMAR, Advocate (SR-2363[I] dated 23/03/2022)

ORDER
IN
CRL OP(MD) No.5239 of 2022
Date :21/03/2022

RS/SVR/SAR.4(28.03.2022) 3P-6C

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