



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/05/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

CRL OP(MD).No.7530 of 2022

1.Madasamy
2.Malaiyammal

... Petitioners/Accused Nos.2 & 3

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Palayamkottai (Rural)
Crime.No.07 of 2022.

... Respondent/Complainant

For Petitioner : M/s.V.ANGUSAMY
Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM
Counsel for Government of Tamil Nadu(Crl.side)

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

PRAYER :- For Anticipatory Bail in Crime No.07 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners 1 and 2 are the accused Nos.2 and 3 who have been implicated for the offences under Sections 366 of IPC and 5(1), 5(n), 6 of POCSO Act and Section 9 and 10 Prohibition of Child Marriage Act, in Crime No.07 of 2022, on the file of the respondent police, seek anticipatory bail.

2.Heard both sides.

3.Admittedly, the petitioners are the father and mother of the husband who had married the child. The marriage took place against the wishes of the petitioners herein, wherein it is stated that the petitioners' son had eloped with a minor girl and got married on 06.03.2022.

4.The husband is arrayed as A1 in the aforesaid crime. The marriage did not took place with the blessings of the petitioners herein. Implicating them in the aforesaid crime is questionable.



5.In this background, 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 Special Court for POCSO Act Cases, Tirunelveli, 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 petitioners 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.

[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]**.

sd/-
06/05/2022

/ 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 SPECIAL JUDGE FOR POCSO ACT CASES,
TIRUNELVELI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PALAYAMKOTTAI (RURAL).

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

+1 cc to Mr.V.ANGUSAMY, Advocate, SR.No.4553 (Date:10/05/2022)

ORDER

IN

CRL OP(MD) No.7530 of 2022

Date :06/05/2022

SA/JM/SAR.2/09.05.2022/3P/5C