



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.04.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7758 of 2022

1. Kottursamy
2. Sudalai Madhi
3. Karuppasamy
4. Mariammal

... Petitioners/Accused No.2 to 5

Vs

State represented by
The Inspector of Police,
Puliyangudi Police Station,
Tenkasi District.
(Crime No.171 of 2022)

... Respondent/Complainant

For Petitioners: Mr.P.Mani Anandh,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.171 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.2 to A.5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 6 r/w 5(l), 5(n), 5(j)(ii) and 17 of Protection of Child from Sexual Offences Act, 2012, and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, in Crime No.171 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused is the son of the petitioners 1 and 2 and the victim girl is the daughter of the petitioners 3 and 4 and that on 02.07.2020, the marriage between the first accused and the victim girl, who was aged 15 years at the time of the alleged occurrence, was solemnized in the



presence of the petitioners herein and due to that, the victim girl has given birth to a male child, when she was 16 years old. Hence, the complaint.

3.The learned counsel 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 parents of the first accused as well as the victim girl had arranged the marriage, that after coming to know about that the victim girl is only 16 years old, the Social Welfare Officer has preferred a complaint and on that basis, the present FIR came to be registered, that the main accused was already arrested and is in judicial custody and that the petitioners are taking care of the victim girl and her child.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit the petitioners are not having any previous cases.

5.Considering the nature of the charges levelled against the petitioners and also the facts that the main accused was already arrested and is in judicial custody and that the petitioners are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

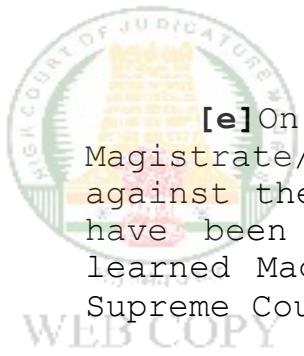
6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sivagiri, on condition that the petitioners shall execute a bond for 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 1 and 3 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 petitioners 2 and 4 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.

sd/-
26/04/2022

/ 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,
SIVAGIRI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PULIYANGUDI POLICE STATION,
TENKASI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7758 of 2022
Date :26/04/2022

RS/VR/SAR.1 (28.04.2022) 3P-5C