



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/06/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.8521 of 2022

1. Lakshmi
2. Ragunathan
3. Sundarambal

... Petitioners/Accused Nos.3 to 5

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Melur,
Madurai District.
(Crime No.29/2021).

... Respondent/Complainant

For Petitioners : M/s.Arun A V, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.29 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 5 (1) and 6 of POCSO Act, 2012 and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, in Crime No.29 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners 1 and 2 are the parents and the third petitioner is the grandmother of the victim girl. The first accused in this case, namely, Pandiarajan and the victim girl, who is aged about 17 years are working in the same sweet shop. The first accused had physical relationship with the victim girl by promising that he would marry her. The marriage between the victim girl and the first accused was arranged by these petitioners. Hence, the case.



3.The learned counsel for the petitioners would submit that the petitioners earlier have filed an application for anticipator bail in CrI.O.P.(MD)no.10852 of 2021 and this Court vide order dated 16.08.2021 has granted anticipatory bail to the petitioners by imposing certain conditions, that due to Covid-19 restrictions, they could not produce the sureties and that therefore, the petitioners are constrained to file the above application.

4.The learned Additional Public Prosecutor would submit that the respondent police after completing the investigation has laid the final report and the same was taken on file in S.C.No.66 of 2022 before the Jurisdictional Court.

5.Considering the facts and circumstances of the case and also considering the fact that the charge sheet has already been filed before the Jurisdictional Court and also the fact that the petitioners were already granted anticipatory bail by this Court, 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 their 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, Melur, Madurai 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation.

(c)the petitioners shall not tamper with 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]**; and;



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

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Sd/-
14/06/2022

20/06/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. The Judicial Magistrate,
Melur, Madurai District.
 2. -Do-Through
The Chief Judicial Magistrate,
Madurai District.
 3. The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S.ARUN A V Advocate SR.No.5570

ORDER
IN
CRL OP(MD) No.8521 of 2022
Date :14/06/2022

SP/SVR/SAR IV/20/06/2022/3P/6C