



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 29/04/2022

PRESENT

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**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD) . No.8341 of 2022

1. P.Vadivel  
2. T.Balamurugan

... Petitioners/Accused Nos.2&4

Vs

The State Rep. by,  
The Inspector of Police,  
All Women Police Station,  
Thirupparankundram,  
Madurai City.  
(Crime No.10 of 2022)

... Respondent/Complainant

For Petitioners: Mr.Babu Rajendran  
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.10 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9 and 10 of the Prohibition of Child Marriage Act and Sections 5(1) and 6 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.10 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are said to have arranged the marriage of the victim girl, who is aged about 15 years, with the first accused. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are the father of the first accused and the victim girl and that the mother of the first accused and the victim girl were granted anticipatory bail by this Court in Crl.O.P.(MD)No.4581 of



2022 vide order dated 15.03.2022. He would further submit that the petitioners had arranged the marriage of the victim girl with the first accused and the marriage was solemnized on 08.09.2021 and that subsequently, the victim girl became pregnant and that she is now 4 months pregnant.

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4.The learned Government Advocate (Criminal side) would submit that the first accused was already arrested and is in judicial custody and that the petitioners are not having any previous cases.

5.Considering the nature of charges levelled against the petitioners and also taking note of the fact that the accused 3 and 5 were granted anticipatory bail by this Court, that the main accused is still 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 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 No.VI, Madurai, 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 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 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.

sd/-  
29/04/2022

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/ /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 NO.VI,  
MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
THIRUPPARANKUNDRAM,  
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.BABU.RAJENDRAN, Advocate ( SR-4118[I] dated 29/04/2022 )

ORDER  
IN  
CRL OP(MD) No.8341 of 2022  
Date :29/04/2022

csm  
USK/VR/SAR-II/06.05.2022/3P/6C