



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

Date : 05/05/2022

WEB COPY

PRESENT

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

CRL OP(MD) . No.8650 of 2022

1. Ponraj
2. Shanmugathai
3. Latha

... Petitioners/Accused
No.2 to 4

Vs

State rep.by
The Inspector of Police,
Puliyankudi Police Station,
Tenkasi District.
(Crime No.179 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Sasikumar V, Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 179 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 6, 5 (1), 17 of POCSO Act, 2012 and Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006, in Crime No.179 of 2022 on the file of the respondent police, seek anticipatory bail.

2.Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

3.Pursuant to a love affair, the first accused had married a child who is 16 years of age. The first and second petitioners are the parents of the first accused. The third petitioner is the mother of the victim girl. The overt act attributed towards them is that they were instrumental for the child marriage.



4.The learned Counsel for the petitioners submits that the petitioners were neither aware of the age of the victim girl nor the marriage between the first accused and the victim girl and hence, the offences under the POCSO Act and the Prohibition of Child Marriage Act are not attracted.

5.All these aspects are subject matter of investigation. However, in the circumstances of this case, since the husband of the victim girl has already been arrested and the present petitioners claim ignorance of the marriage, 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 Sessions Judge, 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/-
05/05/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.II)
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 SESSIONS JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
PULIYANKUDI POLICE STATION,
TENKASI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SASIKUMAR V Advocate SR.No.4343

ORDER
IN
CRL OP(MD) No.8650 of 2022
Date :05/05/2022

SP/VR/SAR II/09/05/2022/3P/5C