



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.06.2022

WEB COPY

PRESENT

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

CRL OP(MD). No.10113 of 2022

1. K.Murugan
2. M.Chandra
3. K.Kallathiyan
4. K.Arunachalam ... Petitioners/Accused Nos.4to7

Vs

THE STATE REP BY,
The Inspector of Police,
All Women Police Station,
Palayamkottai (Rural),
Tirunelveli City.
(Crime No.7 of 2022) ...Respondent/Complainant

For Petitioners: Mr.N.Pragalathan,Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor.
(Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.7 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.4 to A.7, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 366 IPC, Sections 5(1), 5(n) and 6 of POCSO Act and Sections 9 and 10 of Prohibition of Child Marriage Act, in Crime No.7 of 2022 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the first accused had married the victim girl, who is a minor, in the presence of the petitioners and other accused. Hence, the complaint.

3.The learned Additional Public Prosecutor would submit that the petitioners are relatives of the first accused as well as the victim girl and that the marriage between the first accused and the victim girl took place, despite of objections raised by the parents of the victim girl.

4.The learned counsel for the petitioners would submit that the accused 2 and 3, who are the parents of the first accused, have been granted anticipatory bail by this Court in Crl.O.P.(MD)No.7530 of 2022 vide order dated 06.05.2022.

5.Considering the above facts and circumstances of the case and also the facts that the petitioners are relatives of the first accused as well as the victim girl, that the first accused is still in judicial custody and that the parents of the first accused were already granted anticipatory bail, 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 Special Court for Exclusive Trial of Cases under POCSO Act, 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 Sessions Judge 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 Sessions Judge/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 Sessions Judge/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/-
09/06/2022

/ TRUE COPY /

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

CSM

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 EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PALAYAMKOTTAI RURAL, TIRUNELVELI CITY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-5318[I] dated 09/06/2022)

ORDER
IN
CRL OP(MD) No.10113 of 2022
Date :09/06/2022

PKP/VR/SAR /14.06.2022/3P/5C