



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/06/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10198 of 2022

1. Mookkan

2. Nallathangal

3. Kanchivanam

4. Thottichi

... Petitioners/Accused Nos.2 to 5

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
Crime.No.18 of 2022.

... Respondent/Complainant

For Petitioner : 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.18 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 5(1), J(ii) and 6 of POCSO Act, 2012 and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 in Crime No.18 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant,
<https://www.hcscs.gov.in/> Social Welfare Officer gave a complaint before the



respondent police stating that the victim girl, who is aged about 17 years was married to A1 on 27.01.2021 and that the victim girl gave birth to a male child. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners 1 and 2 are the father-in-law and mother-in-law and the petitioners 3 and 4 are the parents of the victim girl. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that the victim girl has delivered a male child on 31.05.2022 and that the main accused has already been arrested and still in judicial custody.

5.Considering the nature of the charges levelled against the petitioners and also considering the facts that the petitioners 1 and 2 are the father-in-law and mother-in-law and the petitioners 3 and 4 are the parents of the victim girl, that the victim girl has delivered a male child only on 31.05.2022 and also the fact 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, 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 1 and 3 shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

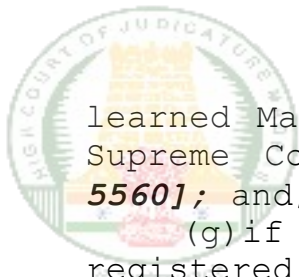
(c) the petitioners 2 and 4 shall report before the respondent police as and when required for interrogation.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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

https://hcservices.ecoursonline.in/hcservices/impres 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;

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

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27/06/2022

Sub-Assistant Registrar (C.S.)
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.5717

ORDER
IN
CRL OP(MD) No.10198 of 2022
Date :17/06/2022

RK/SVR/SAR-IV/27.06.2022 : 3P/6C