



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

Date : 02.03.2022

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PRESENT

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

CRL OP(MD). No.14319 of 2021

1. Sakthivel

2. Valliappan

3. Palaniammal

... Petitioners/Accused 1 to3

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Vadamadurai,
Dindigul District.
(Crime No.21 of 2021)

...Respondent/Complainant

For Petitioners: Mr.D.Venkatesh, 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.21 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9 and 11 of Prohibition of Child Marriage Act, 2006, altered into Sections 5(1) r/w 6 of POCSO Act and Sections 9 and 11 of Prohibition of Child Marriage Act, 2006, in Crime No.21 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner got married with the victim girl, who is aged about 15 years, and the same was arranged and performed in the presence of the petitioners 2 and 3 and the parents of the victim girl. Hence, the complaint.



3. In pursuance of this Court order, the learned Sessions Judge has sent the copies of the FIR in Crime No.21 of 2021 and the statement recorded from the victim girl under Section 164(5) Cr.P.C. by the learned Additional District Munsif cum Judicial Magistrate, Vedasanthur, along with the copy of the alteration report.

4. It is not in dispute that the FIR was originally registered for the offences under Sections 9 and 11 of Prohibition of Child Marriage Act, and after investigation, altered into 5(1) r/w 6 of POCSO Act and Sections 9 and 11 of Prohibition of Child Marriage Act.

5. When the matter is taken up for hearing today, the learned counsel for the petitioners seeks permission of this Court to withdraw the petition as far as the first petitioner is concerned and he has also made an endorsement to that effect. Admittedly, the petitioners 2 and 3 are the parents of the first accused. Hence, this petition is dismissed as withdrawn as against the first petitioner concerned.

6. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that investigation is also completed.

7. Considering the nature of charges levelled against the petitioners 2 and 3 and also the facts that investigation is almost completed as stated by the learned Government Advocate (Criminal Side) and that the petitioners 2 and 3 are not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 with certain conditions.

8. Accordingly, the petitioners 2 and 3 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 Judicial Magistrate, Vedasanthur, on condition that the petitioners 2 and 3 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 2 and 3 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 2 and 3 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 2 and 3 shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 2 and 3 shall not abscond either during investigation or trial.

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[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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]***.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
02/03/2022

/ 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 JUDICIAL MAGISTRATE,
VEDASANTHUR.
- 2 DO THROUG"H:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, VADAMADURAI,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADRUAI.

ORDER
IN
CRL OP(MD) No.14319 of 2021
Date :02/03/2022