



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 26.08.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.15367 of 2022

1. A.Sankar
2. Dhanalakshmi

... Petitioners/Accused 3 & 4

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Tirunelveli Town,
Tirunelveli City.
(Crime No.04 of 2021)

... Respondent/Complainant

For Petitioners : MR.M.MARAN,
Advocate.

For Respondent : MR.R.M.ANBUNITHI,
Additional Public Prosecutor.

PETITION FOR BAIL Under Section 439 of Cr.P.C.

PRAYER :- For Bail in Crime No.04 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A.3 & A.4, who were arrested and remanded to judicial custody on 03.08.2022 for the offences punishable under Section 363 IPC, Section 9 of Prohibition of Child Marriage Act, 2006, and Sections 5(1), 6, 16 and 17 of Protection of Children from Sexual Offences Act, 2012, in Crime No.04 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that the first accused had married the victim girl, who is a minor and that thereafter they stayed at the second accused's house, who is the uncle of the first accused and the petitioners' house, who are the parents of the victim girl and at that time, the petitioner had sexual intercourse with the victim girl. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are the parents of the victim girl, that the first



accused was already arrested and released on bail and the second accused was granted anticipatory bail by this Court.

4. The learned Additional Public Prosecutor would submit that the petitioners are not having any previous cases.

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5. Considering the nature of charges levelled against the petitioners and also the facts that the petitioners are not having any bad antecedents and that the main accused was already released on bail by the Special Court for POCSO Act Cases, Tirunelveli, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing 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 Special Court for POCSO Act Cases, Tirunelveli.

(i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Sessions Judge/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

(ii) 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;

(iii) the petitioners shall not tamper with evidence or witness;

(iv) the petitioners shall not abscond during trial;

(v) 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]**.

(vi) If the accused / petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

26/08/2022

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/08/2022

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 JUDGE,
SPECIAL COURT FOR POCSO ACT CASES,
TIRUNELVELI.
- 2 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.
- 3 THE OFFICER INCHARGE,
SUB WOMEN JAIL, KOKKIRAKULAM,
TIRUNELVELI.
- 4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUNELVELI TOWN,
TIRUNELVELI CITY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MARAN M Advocate SR.No.9098

ORDER

IN

CRL OP(MD) No.15367 of 2022

Date :26/08/2022

CSM

SA/VR/SAR.3/26.08.2022/3P/7C