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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.15586 of 2022

1. Kallanai
2. Periyalagi
3. Meenatchi
4. Anandh

... Petitioners/Accused
No.2 to 5

Vs

State rep.by
The Inspector of Police,
Othakadai Police Station,
Madurai District.
(Crime No.255 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Ayyanar Prem Kumar S, Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.255 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 9 and 10 of Prohibition of Child Marriage Act, 2006 and Sections 5(i), 5(J)(II) and 6 of POCSO Act, 2012 in Cr.No.255 of 2022, seek anticipatory bail.

2. The case of the prosecution is that on 27.06.2022, A1 married the victim girl, who is aged about 16 years, with the help of these



petitioners. Now, the victim girl is pregnant. Based on the complaint given by the Woman Welfare Officer, Madurai, the present case has been registered against the petitioners.

3. The learned counsel for the petitioners would submit that the petitioners 1 and 2 are the parents of A1 and the petitioners 3 and 4 are parents of the victim girl. He would further submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that A1 was already arrested and released on bail. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that it is a case of child marriage and totally five accused in this case and the petitioners are arrayed as A2 to A5 and A1 is the husband of the victim girl and A2 and A3 are the parents of A1 and A4 and A5 are parents of the victim girl. The statement under Section 164 of Cr.P.C. of the victim girl is recorded and eight witnesses have already been examined and the investigation is pending and awaiting for medical report. Hence, he strongly opposed to grant anticipatory bail.

5. Considering the facts and circumstances of the case and also considering the fact that the nature of charges levelled against the petitioners and also the facts that eight witnesses have already been examined and A1 was already released on 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 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 POCSO Cases, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 Special Judge/concerned Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am until further orders.

(c) the petitioners shall not tamper with 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 Special Judge/concerned 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 Special Judge/concerned Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

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

Sd/-
27/10/2022

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/11/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE SPECIAL JUDGE
FOR POCSO CASES, MADURAI.
2. THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.AYYANAR PREM KUMAR S Advocate SR.No.11969

ORDER
IN
CRL OP(MD) No.15586 of 2022
Date :27/10/2022

SP/GB/SAR IV/07/11/2022/3P/5C