



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 11/01/2022

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

Cr1.OP(MD)Nos.19062 of 2021

1. S.Mohammed Kasim
2. M.Bulkies
3. Syed Ali

... Petitioners/Accused
(Rank Not Known)

Vs.

State rep. By
The Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli-625 002.
(Crime No.15 of 2021)

... Respondent/Complainant

For Petitioners : M/s.Sankar.M, Advocate

For Respondent : M/s.SS.Madhavan
Government Advocate(Crl. side)

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

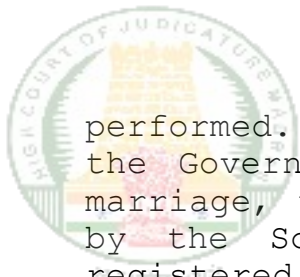
PRAYER :-

For Anticipatory Bail in Crime No.15 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioners, apprehending arrest at the hands of the respondent police for the alleged offences under sections 9 of Child Marriage Restraint Act, 1929 and section 5(1) and (j)(ii) and section 6 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.15 of 2021, seek anticipatory bail.

2.The case of the prosecution in that on 16/09/2020, the marriage was arranged between A1 and the victim namely Jasmine. In pursuance of the above said arrangement, the marriage was also



performed. The victim girl delivered a male child, on 09/06/2021 in the Government Hospital, Tirunelveli. On the date of the alleged marriage, the victim was a minor. So based on the complaint given by the Social Welfare Officer, the above said case has been registered.

3. Seeking anticipatory bail, this petition is filed by the petitioners on the ground that the marriage between A1 namely Syed Ali and the victim girl was performed without knowing the consequence. The victim was aged about 16 years. The petitioners 1 and 2 are the parents of A1 and the 3rd petitioner is the mother of victim. Except stating that without knowing the consequence of the said marriage, they performed the same, no other ground has been stated.

4. The victim girl during the course of her evidence before the concerned Judicial Magistrate has stated that A1 is her maternal uncle and she married him out of her own wish and will. After the birth of the child, this case has been registered. Now the child is also 6 months old. From the statement of the victim, the marriage was performed with the consent of the all the persons and even the victim has also given consent for the same. NO doubt the petitioners have to undergo trial. But considering the facts and circumstances that it is an old issue and now the child is also aged about 6 months and the marriage was performed 1-1/2 years back, the question of custodial interrogation may not be required, since it is an admitted fact.

5. Considering the above facts and circumstances of this case, 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 before the learned Sessions Judge, Special Court for POSCO Act Cases, Tirunelveli and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail will stand dismissed.

Sd/-

11/01/2022

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



TO

1. THE SESSIONS JUDGE,
SPECIAL COURT FOR POSCO ACT CASES,
TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PALAYAMKOTTAI,
TIRUNELVELI -625 002.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.19062 of 2021
Date :11/01/2022

SP/PN/SAR IV/20/01/2022/3P/4C