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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.17897 of 2022

1.Siva ... Petitioner/Accused No.1
2.Baluchamy
3.Pandiammal ... Petitioners/Accused Nos.4 & 5

Vs

State rep.by the
The Inspector of Police,
Devakottai All Women Police Station,
Devakottai,
Sivagangai District.
Crime No.11 of 2022

... Respondent/Complainant

For Petitioners : Mr.T.Gopala Krishnan,
Advocate.
For Respondent : Mr.M.Sakthi Kumar,
Government Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.11 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 5(L), 6 of Protection of Children from Sexual Offences Act, 2012 and Sections 9, 10 and 11 of Prohibition of Child Marriage Act, 2006, in Crime No.11 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a Social Welfare Officer. It is alleged that child marriage was performed on 22.09.2022 between the victim girl and the first petitioner. Hence the complaint.



3.The learned counsel for the petitioners would submit the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.side) submitted that the victim girl is not attained majority and there are totally five accused persons in this case. He further submitted that the present petitioners are husband and mother-in-law and father-in-law of the victim and no previous case is pending against these petitioners.

5.Considering the facts and circumstances of the case and also considering the antecedents of the petitioners, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Session Judge, Special Court for POCSO Act Cases, Sivagangai, 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the first petitioner shall report before the respondent police daily at 10.30 a.m., for a period of six weeks, and thereafter, as and when required for interrogation. The second and third petitioners shall report before the respondent police as and when required for interrogation.

(c) the petitioners shall not tamper with the 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 Magistrate/ 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 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;



(f) if the accused / petitioners thereafter absconds, sh
FIR can be registered under Section 229-A IPC.

sd/-

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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 SESSIONS JUDGE, SPECIAL COURT FOR POCSO ACT CASES,
SIVAGANGAI DISTRICT.
- 2 THE INSPECTOR OF POLICE, DEVAKOTTAI ALL WOMEN POLICE STATION,
DEVAKOTTAI, SIVAGANGAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.17897 of 2022

Date : 06/10/2022

TTA

RS/SVR/SAR. (11.10.2022) 3P-4C