



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/10/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.17840 of 2022

1. Naga Jothi

2. Ponnathal ... Petitioners/Accused No.2 and 3

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station,
Bodi,Theni District
(Crime No.24 of 2022).

... Respondent/Complainant

For Petitioners : Mr.Suresh Kannan C,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.24 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 366 of IPC r/w. Sections 9 and 10 of Child Marriage Act, in Crime No.24 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant's second daughter loved with first accused and when it came to the knowledge of the defacto complainant, she warned her daughter and thereafter, she eloped with him and married him. Hence, the



3.The learned counsel for the petitioners submitted that the first petitioner is the aunt of the first accused and second petitioner is mother of the first accused and they have been falsely implicated.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that the investigation is almost completed.

5.Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and 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 Judicial Magistrate, Bodi, Theni District, 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the 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.

[f]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]**.

sd/-

06/10/2022

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



TO

1. The Judicial Magistrate,
Bodi, Theni District.
2. -do-Through The Chief Judicial Magistrate,
Theni District.
3. The Inspector of Police,
All Women Police Station,
Bodi, Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-11024[I] dated
06/10/2022)

ORDER

IN

CRL OP(MD) No.17840 of 2022

Date :06/10/2022

RD/SVR(11/10/2022) 3P 6C