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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/10/2022

PRESENT

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

CRL OP(MD). No.18023 of 2022

1. Nallu
2. Selvi

... Petitioners/ Accused Nos.2 & 3

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
Crime No.23 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Balakrishnan T,
Advocate.

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

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

PRAYER :-For Anticipatory Bail in Crime No.23 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 366 IPC, Section 9 of Protection of Child Marriage Act, 2006 and Sections 5(i)(ii) r/w 6, 17 of POCSO Act, 2012, in Crime No.23 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the A1 married the victim/de-facto complainant, who was minor with the help of the petitioners and A1 had physical relationship with the de-facto complainant, thereby, she gave birth to a male child. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are the parents of A1 and they are innocent and they have not committed any offence as alleged by the prosecution. Hence, they pray for anticipatory bail.

<https://www.mhponline.org/judis>



4.The learned Government Advocate(Crl.Side) would submit that now the victim girl has become major and married A1 and both are living together. He would further submit that the investigation is almost completed.

5.Hence, there is a change in circumstances, 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 their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Theni, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Mahila Judge 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 Mahila Judge 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 as and when required for interrogation;

(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 Mahila 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 Mahila 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]**; and;

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

sd/-

07/10/2022

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/ /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 SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM,
FAST TRACK MAHILA COURT, THENI.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, UTHAMAPALAYAM,
THENI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.BALAKRISHNAN, Advocate (SR-11065[I] dated 07/10/2022)

ORDER

IN

CRL OP(MD) No.18023 of 2022

Date :07/10/2022

SJI/KSA

MK/GB/SAR.I/11.10.2022/3P/5C