



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.19544 of 2021

1. Gunasekaran
2. Pandiyammal
3. Malarkodi
4. Pandiyaraj @ Pandiyarajan ... Petitioners/Accused
2,3,6 & 7

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Andipatti,
Theni District.
(Crime No.24/2021). ... Respondent/Complainant

For Petitioners: M/s.S.Poornachandran, Advocate.

For Respondent : M/s.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No.24 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 9, 10, 11 Of Prohibition of Child Marriage Act & Section 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.24 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused married the victim girl, aged about 15 years, with the aid of the other



accused persons and made repeated sexual assault. Thereby, the victim delivered a girl child on 26.03.2020 at Government Hospital. Hence, the complaint lodged by the Child Welfare Officer.

3. The learned counsel appearing for the petitioners would submit that the first and second petitioners are the father and mother of the first accused and the other petitioners are his relatives. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the marriage was allegedly solemnized to the victim at the age of 15 years and only at the time of delivery of the child, FIR came to be registered. He would further submit that the victim girl is now in Home and she has stated in her 161(3) Cr.P.C. statement that after attaining majority, she would join with the first accused.

5. Admittedly, the petitioners 1 & 2 are the parents of the first accused and petitioners 3 & 4 are his relatives. Considering the nature of charges levelled against the petitioners and also the fact that the investigation is almost completed and that the medical test has already been completed and reports are yet to be received, as stated by the learned Additional Public Prosecutor, 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 Judge, Mahila Court, Theni, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned 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 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 Station daily at 10.30 am for a period of one month and thereafter, 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 Judge/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/02/2022

/ TRUE COPY /

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

PNM

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 JUDGE,
MAHILA COURT,
THENI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ANDIPATTI, THENI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.19544 of 2021
Date : 15/02/2022