



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.18298 of 2022

1. Periyasamy
2. Chitradevi
3. Gangadevi

... Petitioners/Accused
No.2 to 4

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Devakottai,
Sivagangai District.
(Crime No.4/2022).

... Respondent/Complainant

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

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

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

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 5 (1), 6 of Protection of Child from Sexual Offences Act, 2012 and 9, 10, 11 of Prohibition of Child Marriage Act, 2006, in Crime No.4 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the victim girl. On 10.04.2022, the first accused married the victim girl. At the time of occurrence, she was aged about 15 years and studying 10th standard. After a lapse of 1 month, on knowing the



above said alleged marriage, the Social Welfare Department, Sivagangai, enquired the victim girl and advised her to stay with her mother and also stated that the marriage took place between the first accused and her is not a valid one. On their advise, she also continued her studies. In such circumstance, the first accused frequently, came to the house of the victim girl in drunken mode and insisted her mother to send her with him. Before 5 days prior to lodging the complaint, the mother of the victim girl died. Now, she is alone. Since, there is every possibility to cause threat by the accused, she lodged this complaint.

3.The learned counsel for the petitioners would submit that even in the FIR, the petitioners' name were not mentioned. Except the participation of the above said alleged marriage, no specific overt act has been attributed against the petitioners. He would further submit that the petitioners herein are close relatives of the first accused. The first accused was arrested and thereafter, released on bail by the lower Court and the investigation is almost over. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) would submit that A1 was released on bail by the lower Court. The investigation was over and charge sheet is made ready and the same is going to produce before the concerned Court.

5.Considering the facts and circumstances of the case and also considering the fact that A1 was released on bail and charge sheet is made ready, 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, Special Court for the Exclusive Trial of Cases Under the POCSO Act, 2012, Sivagangai, 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 am until further orders.

(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 Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 2 to 6 in accordance with law as if the conditions have been imposed and the petitioners 2 to 6 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
14/10/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

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 THE EXCLUSIVE TRIAL OF
CASES UNDER THE POCSO ACT, 2012, SIVAGANGAI.

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DEVAKOTTAI,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.SANJAY S M Advocate SR.No.11571

ORDER
IN
CRL OP (MD) No.18298 of 2022
Date : 14/10/2022