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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/10/2022

PRESENT

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

CRL OP(MD). No.18557 of 2022

- 1.Murugeshan
2. Pandiselvi
3. Raja
4. Manikandan
5. Murugan

... Petitioners/
Accused Nos.2, 3 and 6 to 8

Vs

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

... Respondent/Complainant

For Petitioners : M/s.Abdul Rahuman S,
Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

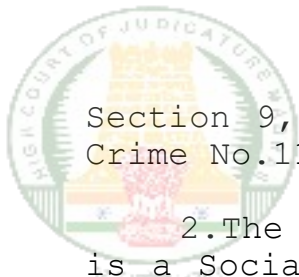
PRAYER :-

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, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 5(L) of the Protection of Children from Sexual Offences Act, 2012 and

<https://www.mhc6.gov.in/judicial>



Section 9, 10 and 11 of Protection of Child Marriage Act, 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 the child marriage was performed on 22.09.2022 between the victim girl and the first accused. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the first accused and the victim girl were fell in love with each other and their parents were accepted same and made an arrangement to perform the marriage in future. He would further submit that the petitioner Nos.1 and 2 are the parents of the victim girl and the other petitioners are their relatives. They petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the co-accused were granted anticipatory bail by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that the co-accused were granted anticipatory bail by this Court and 164 Cr.P.C statement of the victim is recorded and the report is not yet received. He would further submit that the investigation is still pending. Hence, he strongly opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused were already granted anticipatory bail, 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 Sessions Judge, Special Court for POCSO Act cases, Sivagangai District, 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 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 a.m., 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 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

19/10/2022

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/11/2022

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

cp

TO

1. The Sessions Judge,
Special Court for POCSO Act cases,
Sivagangai District.
2. The Inspector of Police,
All Women Police Station,
Sivagangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.18557 of 2022

Date : 19/10/2022

RD/SSS/SAR-I (02/11/2022) 3P 4C