



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

Date : 26/10/2022

PRESENT

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

CRL OP(MD). No.18924 of 2022

1. Selvi

2. Shanmugapriya

3. Bharathi

... Petitioners/Accused Nos.7, 3 & 5

Vs

The State represented by
The Inspector of Police,
AWPS Police Station,
Devakottai,
Sivagangai District
(Fir No. 4/2022)

... Respondent/Complainant

For Petitioner : M/s.Hariharan G,
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.4 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(1)
and 6 of POCSO Act, 2012 and Section 9,10 and 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 on 02.07.2020, one
Murugan was married a minor girl namely, Moulika and forcibly sexual
relationship with the victim girl. The marriage was arranged at
Muthumariyamman Temple in Meenapur in presence of petitioners and
others. At the time of marriage, the victim was studied at 10th
standard. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the first petitioner is the grandmother of the victim, the second petitioner is the sister of the victim and the third petitioner is the brother-in-law of the victim. The petitioners attended the marriage as guest role only, otherwise they have nothing to do with the marriage. He would further submit that the petitioners are innocents and they have been falsely implicated in this case. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that investigation in this case has been completed and the charge sheet has also been filed before the concerned Court.

5.Considering the facts and circumstances of the case and also considering the facts that the investigation has been completed and the charge sheet has also been filed before the concerned Court, 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 on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Judge for Exclusive Trial of Cases Under POCSO, 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 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 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;



CRL OP(MD). N



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

sd/-

26/10/2022

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/11/2022

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

TO

- 1 THE SPECIAL JUDGE FOR EXCLUSIVE
TRIAL OF CASES UNDER POCSO,
SIVAGANGAI DISTRICT.
- 2 THE INSPECTOR OF POLICE
AWPS POLICE STATION, DEVAKOTTAI, SIVAGANGAI DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.18924 of 2022

Date :26/10/2022

SS/VR/SAR III/03/11/2022/ 3P 4C