



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

Date : 15/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD)No.19265 of 2022

WEB COPY

1. Mariappan

2. Mariyammal

3. Poomi Saraswathi

4. Palavesam

... Petitioners 1 to 4/
Accused Nos.2 to 5

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station- Rural Palayamkottai,
Tirunelveli District.
in Crime No.13 of 2022

... Respondent/Complainant

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

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Cr1.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.13 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 to A5, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections 9
and 10 of Prohibition of Child Marriage Act, 2006 and Section 5(1),
5(j)(ii) and 6 of Protection of Children from Sexual Offences Act,
in Crime No.13 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant
is the Block Extension Officer, Pappakudi. While he made enquiry on
19.10.2022, it was found that one Vanamaari, D/o.Boomi Saraswathi,
aged about 15 years, has been married to Mahaganapathy, aged about
22 years, in the presence of the petitioners on 26.05.2022. Out of



their wedlock, the victim girl has been three months 1. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the victim was in love with the first accused. She eloped with the first accused on 25.05.2022. The petitioners have no knowledge about the love affair and marriage between the victim girl and the first accused. He would further submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, they may be granted anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that there existed love affairs between the first accused and the victim girl, who is aged about 15 years and got married. The victim girl is now three months pregnant. He would further submit that the petitioners are the parents of the first accused and the victim girl. The statement of the victim girl has also been recorded under Section 164 Cr.P.C. Further, in this case, six witnesses have been examined so far and the investigation is not yet completed. Hence he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and considering the statement given by the victim girl under Section 164 Cr.P.C and also the fact that six witnesses have been examined so far, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

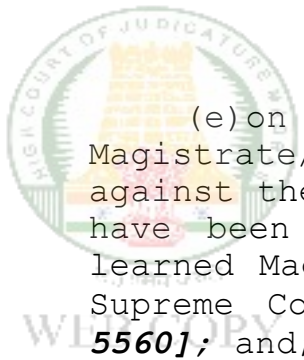
6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judge, POCSO Court, Tirunelveli, on condition that the petitioners shall execute a bond for 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 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/-

15/11/2022

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/11/2022

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

TO

1. The Judge,
POCSO Court,
Tirunelveli.

2. The Inspector of Police,
All Women Police Station-Rural
Palayamkottai,
Tirunelveli District..

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SELVA KRISHNAN, Advocate (SR-13029[I] dated 15/11/2022)

ORDER

IN

CRL OP(MD) No.19265 of 2022

Date :15/11/2022

RD/BUC/SAR-III(24/11/2022) 3P 5C