



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/11/2022

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PRESENT

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

CRL OP(MD). No.19442 of 2022

1. Poonkodi,

2. Harini,

3. Manoj Kumar,

4. Manikandan,

5. Anbarasi,

... Petitioners/Accused Nos. 1 to 5

Vs

State Rep.by

The Inspector of Police,

All Women Police Sation, Bodi,

Theni District.

(Crime No.31/2022).

... Respondent/Complainant

For Petitioner : M/s.Balasubramanian N,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.31/2022 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 offences punishable under Sections 366 IPC and 9 of Child Marriage Act, 5(L), 5(j)(ii), 19, 21(i) and 6 of POSCO Act in Crime No.31 of 2022, seek anticipatory bail.

2.The case of the prosecution is that during the time of Covid-19 Pandemic situation, the victim used to go to her sister's house and the sister's husband brother Vinoth Kumar and the defacto



complainant started loving each other. Subsequently, [redacted] married and both are living separately in the rental home and at that time victim became pregnant. When she was admitted in the hospital, based on the complaint given by the hospital authority, a case has been registered.

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3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate(Crl.Side) would submit that the age of the victim is 15 years and the age of the accused is 33 years. At time of victim's pregnancy, her age was informed to the hospital authority and that a case has been registered. He would further submit that A2 is the mother of A1 and A3 is the sister of the victim and A4 is the victim's sister's husband and the A5 and A6 are father and mother of victim and the 164 statement of the victim is yet to be recorded. He would further submit that only six witnesses have been examined and hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that there is no serious allegations made against the petitioners 4 and 5, this Court is inclined to grant anticipatory bail to the petitioners 4 and 5 with certain conditions.

6.Accordingly, the petitioners 4 and 5 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, Mahalir Neethimandram, Fast Track Mahila Court, Theni on condition that the petitioners 4 and 5 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 4 and 5 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 4 and 5 shall report before the respondent police once in a week i.e., on every Sunday at 10.30 am until further orders.

(c)the petitioners 4 and 5 shall not tamper with evidence or witness either during investigation or trial;



(d) the petitioners 4 and 5 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 4 and 5 in accordance with law as if the conditions have been imposed and the petitioners 4 and 5 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.

In view of the endorsement made by the learned counsel appearing for the petitioners, this Criminal Original Petition is dismissed as not pressed as against the petitioners 1 to 3.

sd/-

03/11/2022

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/11/2022

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

TO

- 1 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM,
FAST TRACK MAHILA COURT, THENI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, BODI,
THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.BALASUBRAMANIAN, Advocate (SR-12383[I] dated 03/11/2022

ORDER

IN

CRL OP(MD) No.19442 of 2022

Date : 03/11/2022

trp

PKP/BUC/SAR-3/22.11.2022/3P/5C