



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

Date : 22/11/2022

PRESENT

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

CRL OP(MD). No.19636 of 2022

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1. Karuppu @ Karuppusamy
2. Karuppayee

... Petitioners/Accused Nos.3 & 4

Vs

State Rep.by
The Inspector of Police,
Silaiman Police Station,
Madurai District.
(Crime No.366/2022)

... Respondent/Complainant

For Petitioners : M/s.Suresh Kannan C, Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

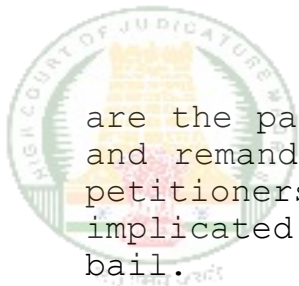
For Anticipatory Bail in Cr No.366/2022 on the file of the respondent police.

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 9, 10 of Child Marriage Act and Sections 5(1) and 6 of POCSO Act, in Crime No.366 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working in the Social Welfare Office, Oomachikulam, Madurai. Based on the information from the District Child Welfare Officer, Madurai, the defacto complainant went to Rajaji Hospital, Madurai, where the victim was admitted and enquired. It is further alleged that the mother of the victim was died, while the victim was two years old. So that, the victim is living with her grandmother/A2 and the father of the victim girl already got married as second marriage. Due to age old of the second accused, she decided to arrange marriage to the victim and she got married with A1 on 20.08.2021. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the marriage was solemnized between the victim girl and A1 on 20.08.2021. from the date of marriage, the victim and the first accused are leading their matrimonial life happily. The petitioners



are the parents of first accused and the first accused was arrested and remanded to judicial custody. 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.

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4.The learned Government Advocate (crl.side) appearing for respondent police opposed for grant of anticipatory bail to the petitioners stating that the petitioners arranged marriage between A1 and the victim girl, who is aged about 17 years and also participated in the marriage. He would further submit that the statement of the victim girl was recorded under Section 164 of Cr.P.C. and six witnesses have been examined and the investigation is going on.

5.Considering the facts and circumstances of the case and also considering the statement of the victim girl was recorded under Section 164 of Cr.P.C. and four witnesses have already been examined, 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 Judge, Special Court of POCSO Act Cases, Madurai, 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 SCW5560]**;



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

sd/-
22/11/2022

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/12/2022

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

TO

1 THE JUDGE, SPECIAL COURT FOR POCSO ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE, SILAIMAN POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.C.SURESH KANNAN, Advocate (SR-13473[I] dated
23/11/2022)

ORDER

IN

CRL OP(MD) No.19636 of 2022

Date :22/11/2022

CP

RS/SSS/SAR.3 (01.12.2022) 3P-5C