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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/11/2022

PRESENT

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

CRL OP(MD) . No.20457 of 2022

1. Madasamy
2. Churulimani

... Petitioners/Accused
No.2 & 3

Vs

State rep.by
The Sub Inspector of Police,
Rayapanpatti Police Station,
Theni District.
(Crime No.198 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Mathan K, 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.198 of 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 17 (4)(2), 5(L) and 6 of Protection of Children from Sexual Offences Act, 2012 and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 and 376(3) IPC in Crime No.198 of 2022, seek anticipatory bail.

2.The case of the prosecution as per the complaint is that that the petitioners, who are the parents of A1, have arranged the marriage of de facto complainant's minor daughter, aged about 16 years and hence the complaint.



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

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4.The learned Government Advocate(Crl.Side) would submit that there are totally five accused involved in this case and the petitioners herein are arrayed as A2 and A3 and they have arranged the marriage of A1 and minor girl. He would further submit that A1 has already been released on bail and the 17 witnesses have been examined and the 164 statement of victim was also recorded. He would further submit that the investigation of the case is pending and 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 A1 has already been released on bail and that and that the 17 witnesses have been examined and that the 164 statement of victim was recorded, 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 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 for POCSO Act Cases, Theni, 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:

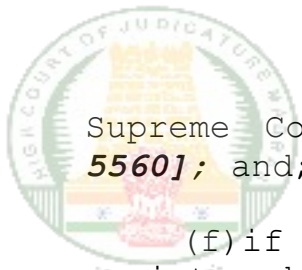
a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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) 5560]**; and;

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

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Sd/-
18/11/2022

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/12/2022

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

TRP

TO

1. THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM FAST TRACK MAHILA
COURT FOR POCSO ACT CASES, THENI.
2. THE SUB INSPECTOR OF POLICE
RAYAPANPATTI POLICE STATION,
THENI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.MATHAN K Advocate SR.No.13306

ORDER
IN
CRL OP(MD) No.20457 of 2022
Date :18/11/2022

SP/VR/SAR IV/05/12/2022/3P/5C