



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/11/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.20820 of 2022

1. Thangavel,

2. Maruthammal,

3. Ambiga,

... Petitioners/Accused Nos.3 to 5

Vs

State Rep.by

The Inspector of Police,

All Women Police Station, Lalgudi,

Trichy District.

(Crime No.41 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Sekar B,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.41 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/A3 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 5 (1), 6(1) and 16 of the Protection of Child from Sexual Offences Act, 2012 and Sections 9 & 10 of Prohibition of Child Marriage Act, 2006, in Crime No.41 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant, who is the victim girl is aged about at the time of alleged marriage. The petitioners 2 & 3 are the parents of A1 and the third petitioner is the sister of A1. Even after strong resistance from the complainant, the father of the complainant and the petitioners herein performed the marriage between the victim girl and one Muthumanikkam (A1) on 27.12.2019. After marriage, A1 had sexual



intercourse with the defacto complainant against her will at all occasions fully aware of the fact that she was a minor. Hence, the complaint.

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. He would further submit that the victim girl and the first accused loved each other. Hence, the marriage was performed. The petitioners herein are only in-laws. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that As was arrested and he is still in custody. A2, who is the father of the victim girl was arrested and later, released on bail. 164 statement of the victim girl was recorded and 3 witnesses have been examined. However, the investigation is not yet completed, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the facts that 164 statement of the victim girl was recorded, 3 witnesses have been examined and the co-accused was released on bail, 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 Mahila Court, Tiruchirapalli, 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:

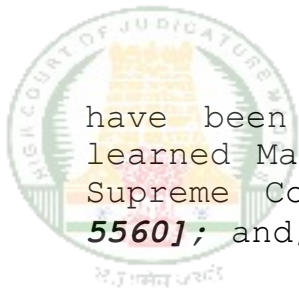
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am 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. 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/-
24/11/2022

/ TRUE COPY /

/12/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE SESSIONS JUDGE,
MAHILA COURT, TIRUCHIRAPALLI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
LALGUDI, TRICHY DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.20820 of 2022
Date : 24/11/2022

PKP/BUC/SAR-1/05.12.2022/3P/4C