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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/12/2022

PRESENT

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

CRL OP(MD) . No.20834 of 2022

1. Kaluvanathan
2. Lakshmi
3. Rajendran
4. Jothi

... Petitioners/Accused
No.2 to 5

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Bodi, Theni District.
(Crime No.32 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Kevin Karan K, Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

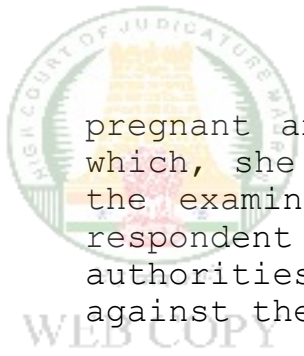
PRAYER :-

For Anticipatory Bail in Crime No.32 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 Section 366 IPC, Section 9 of Child Marriage Act and Sections 5(1)(j)(ii) r/w 6, 19 and 21(1) of Protection of Child from Sexual offences Act, in Crime No.32 of 2022, seek anticipatory bail.

2. The case of the prosecution is that A1 and the victim girl loved each other and got married. After that the victim girl became



pregnant and on 15.11.2022, she suffered severe stomach pain, for which, she admitted in the Government Hospital, Bodi. At that time, the examining Doctor found her age and informed the same to the respondent police. Based upon the complaint given by the Hospital authorities, the respondent police registered the present complaint against the petitioners along with A1.

3.The learned counsel for the petitioners would submit that the petitioners 2 and 3 in-laws of the victim girl and the petitioners 4 and 5 are parents of the victim girl and they are innocents and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the victim girl was aged about 17 years at the time of occurrence. 164 statement of the victim girl was recorded and 17 witnesses were examined in this case and the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the 164 statement given by the victim girl and 17 witnesses were examined in this case, 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 Fast Track Mahila District Court, 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 learned Magistrate concerned and on further conditions that:

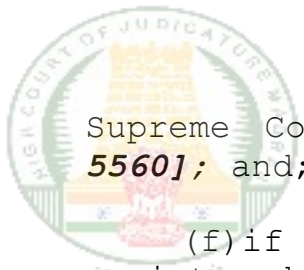
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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 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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/12/2022

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

sj i

TO

1. THE JUDGE, FAST TRACK MAHILA
DISTRICT 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.KEVIN KARAN K Advocate SR.No.14299

ORDER
IN
CRL OP(MD) No.20834 of 2022
Date :01/12/2022

SP/SSS/SAR IV/14/12/2022/3P/5C