



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.21402 of 2022

1.Poongudi
2.Harini
3.Manoj Kumar

... Petitioners/Petitioners/Accused No.2 to 5

-vs-

State Rep.By
The Inspector of Police,
All Women Police Station,
Bodi, Theni District.
(Cr.No.31 of 2022)

... Respondent/Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the Petitioners on bail in the event of their arrest in connection with Cr.No.31 of 2022 on the file of the Respondent Police.

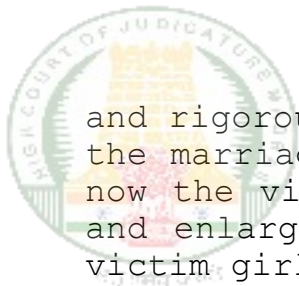
For Petitioners : Mr.N.Balasubramanian, Advocate
For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 5(L), 5 (J)(ii), 19, 21(i) and 6 of POCSO Act in Crime No.31 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the De-Facto Complainant is that the victim was born on 04.05.2006 and due to the love affair between the first accused and the victim girl, they got married on 24.10.2021 and started living as husband and wife and due to which, the victim girl got pregnant and at the time of going to delivery in the Government Hospital, the hospital authorities informed the respondent Police. Hence, the complaint.

3.The learned Counsel for the Petitioners would submit that the Petitioners are innocent. They have not committed any offence as alleged. He would submit that there was a love affair between the first accused and the victim minor girl, due to which, she became pregnant. The petitioners are respectively the mother, sister and brother in-law of A1. He would submit that on coming to know that the victim became pregnant, the Petitioners and the mother of the victim girl arranged the marriage to save the honour of the family. He would further submit that without understanding the consequences



and rigorous of the Child Marriage Restraint Act, they have entered the marriage only with a good intention. He would also submit that now the victim has also delivered a child and A1 was also arrested and enlarged on bail. The petitioners are now taking care of the victim girl.

WEB COPY

4.The learned Government Advocate submit that the petitioners are mother, sister and brother in-law of A1. He would further submit that there was a love affairs between A1 and the victim minor girl and due to which, A1 had committed penetrated sexual assault on the victim girl, due to which, the victim has become pregnant and he opposes to grant anticipatory bail.

5.Heard the learned counsels. Taking into consideration the facts and circumstances of the 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 arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Sessions Judge, Mahalir Neethimandram, Fast Mahalir Court, Theni**, on condition that the petitioners shall execute 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday 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)AIR SCW 5560]**.



[f] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

sd/-
05/12/2022

/ TRUE COPY /

WEB COPY

/12/2022

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

To

1 THE JUDICIAL SESSIONS JUDGE, MAHALIR NEETHIMANDRAM,
FAST MAHALIR COURT, THENI.

2 THE INSPECTOR OF POLICE, ALL WOMEN POLICE SATION, BODI,
THENI DISTRICT.

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

+1 CC to M/s.N.BALASUBRAMANIAN, Advocate (SR-14405[I] dated
06/12/2022)

ORDER

IN

CRL OP(MD) No.21402 of 2022

Date :05/12/2022

CMR

RS/VR/SAR.3(09.12.2022) 3P-5C