



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD). No.22208 of 2022

1. Seyam
2. Amsu

... Petitioners/Accused Nos.2 & 3

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station, Usilampatti,
Madurai District.
Crime No.24 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Balaji S,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.24 of 2022 on the file of the Respondent Police.

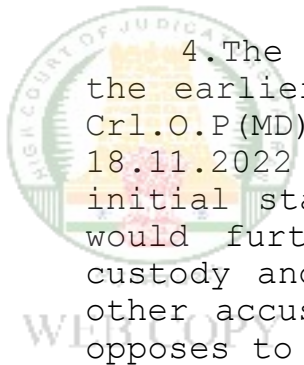
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9 and 10 of Prohibition of Child Marriage Act and 5(d), 6 of POCSO Act in Crime No.24 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto Complainant, is that the petitioners herein, who are the parents of the first accused have performed the child marriage between their son A1 and the daughter of A4 and A5, due to which, she became pregnant. Hence, the complaint.

3.The learned Counsel for the Petitioners would submit that the Petitioners are innocent and he would further submit that there was a love affair for the petitioners' son and the daughter of A4 and A5 and that without understanding the consequences and the rigorous of the POCSO Act performed the child marriage and hence, he seeks anticipatory bail.

<https://www.mhc.tn.gov.in/judis>



4.The learned Government Advocate (Crl. Side) would submit at the earlier anticipatory bail petition filed by the petitioner in Crl.O.P(MD).No.20496 of 2022 was dismissed by this Court on 18.11.2022 on the ground that the investigation of the case is in initial stage, now, 164 statement of the victim was recorded. He would further submit that A1 arrested and remanded to judicial custody and the petitioners herein are concerned, they joined with other accused performed the child marriage of victim and hence, he opposes to grant anticipatory bail to the petitioners.

5.Heard the learned counsels and perused the materials on record. Taking into consideration the facts and circumstances of the case and that 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 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 Magistrate No.II, Usilampatti, Madurai District**, 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., 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 FIR can be registered under Section 229A IPC.

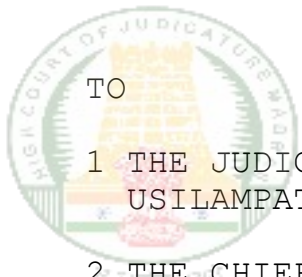
sd/-

16/12/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.II
USILAMPATTI, MADURAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, USILAMPATTI,
MADURAI DISTRICT.

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

+1 CC to M/s.BALAJI S, Advocate (SR-15004[I] dated 16/12/2022)

ORDER

IN

CRL OP(MD) No.22208 of 2022

Date :16/12/2022

TRP

PKP/MMS/SAR 1/30.12.2022/3P/6C