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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5671 of 2023

1. Veeralakshmi
2. Ganeshan
3. Shanthi

... Petitioners/Accused No.4 to 6

Vs

The Inspector of Police,
All Women Police Station, Thirumangalam,
Madurai District.

(Crime No.3 of 2023)..

... Respondent/Complainant

For Petitioners : Mr.P.M.Vishnu Varthanan,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.3/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A4 to A6 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 9,10 of Prohibition of Child Marriage Act, 2006 and sections 5(i), 5(j)(ii),6,16,17 of Protection of Child from Sexual Offences Act,2012 in Crime No. 3 of 2023 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 who is aged about 17 years was married to the first accused. Thereafter they have sexual intercourse due to which she became pregnant and delivered a child. Based on the complaint given by the Child Welfare Officer, the present case has been registered.

3. Heard both side and perused the materials available on record including the First Information Report.



4. Even according to the case of prosecution the victim who is aged about 17 years was married to the first accused and now she delivered baby and they are living together. Further the petitioners herein are only family members of A1 and the victim, therefore custodial interrogation of the petitioner does not required, hence this court is inclined to grant anticipatory bail to the petitioners , with certain conditions:

5. 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 Special Court for POCSO Act Cases, Madurai, 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 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 as and when required for interrogation

[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.

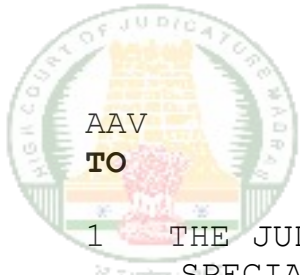
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid 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/-
28/03/2023

/ TRUE COPY /

/04/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1 THE JUDGE,
SPECIAL COURT FOR POCSO ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUMANGALAM,
MADURAI DISTRICT.

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

+1. CC to P.M.VISHNU VARTHANAN Advocate SR.No.5076

ORDER

IN

CRL OP(MD) No.5671 of 2023

Date :28/03/2023

SA/BUC/SAR II/31/03/2023/3P/5C