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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2023

PRESENT

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

CRL OP(MD) . No.8253 of 2023

1. Muthukumar,
2. Mani.R@ Manikandan,
3. Podhumani,
4. Murugan,
5. Seethalakshmi, ... Petitioners/Accused Nos. 1 to 5

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Bodi, Theni District.
(In Crime No.16 of 2023). ... Respondent/Complainant

For Petitioner : M/s.Suyambulinga Bharathi.K, 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.16 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 356 of I.P.C., Section 9 of Child Marriage Act and Sections 5(c), 5(j) (2), 6, 19 and 25(1) of POCSO Act, 2012, in Crime No.16 of 2023 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that on 15.03.2023, while the Government Doctor, Kambam Government Hospital was on duty, one patient namely, Durgadevi has admitted in the hospital for delivery. After birth of the child, the hospital authority has come to know that the age of the mother is under 18 years. Hence, the hospital authority gave a report to the child welfare officer, Theni District, in turn, he lodged the present complaint against the petitioners and others. Hence, the case.

3.Heard. Perused the materials available on record including the First Information Report.

4.It is seen that the first petitioner got married the minor victim girl. Thereafter, she got pregnant and also delivered a baby. Now, they are also living happily. Therefore, the custodial interrogation of the petitioners do not require in this case.

5.Considering the above 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 Special Court for POCSO Act Cases, 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 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:

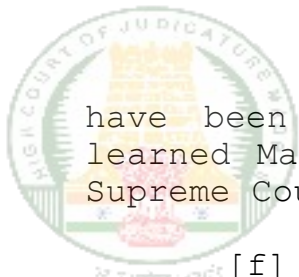
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[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. 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.

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/05/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

- 1 THE SPECIAL JUDGE
FOR POCSO ACT CASES, 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.

ORDER
IN
CRL OP(MD) No.8253 of 2023
Date :28/04/2023

PKP/BUC/SAR-3/09.05.2023/ **3P/4C**