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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/05/2023

PRESENT

The Hon`ble Mrs.Justice T.V.THAMILSELVI

CRL OP(MD) . No.9010 of 2023

1. Vinothkumar
2. Kumar
3. Esawari
4. Chandran
5. Vijayalakshmi ... Petitioners/Accused No.1 to 5

Vs

The State rep.by,
The Inspector of Police,
AWPS BODI Police Station,
Theni District.
(Crime No.21 of 2023) ... Respondent/Complainant

For Petitioners: Mrs.Vidhya Sagar.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.21 of 2023 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 alleged offences punishable under Section 366 of IPC and Sections 5(i), 5(j)(ii), 6, 19 and 21(1) of Protection of Child from Sexual Offences Act, 2012, and Section 9 of prohibition of Child Marriage Act, 2006 in Crime No.21 of 2023 on the file of the respondent police, seek anticipatory bail.

<https://www.hc.madras.gov.in/judis>



2.The case of the prosecution is that the defacto complainant had love affair with the first petitioner and when she informed the same to her parents, they forced her to marry some other person. Therefore, the defacto complainant eloped with the first petitioner on 27.11.2022 and married him at Singaperumal Kovil at Chengalpattu District. Out of the wedlock, the defacto complainant got pregnant. Now, at the insistence of the Child Welfare Department of Theni, this complaint is lodged.

3.The learned counsel for the petitioner would submit that the first petitioner married the victim girl and they are now living together. This case is only registered at the insistence of the Child Welfare Department, Theni.

4.The learned Government Advocate (Crl.Side) would also concede to the fact that the first petitioner married the victim girl and they are living together. He would also submit that the investigation is almost completed.

5.Considering the fact that the first petitioner has married the victim girl, that they are living together now and that the petitioners 2 to 5 are the parents of the first petitioner and the defacto complainant, there is no possibility of tampering the evidence. Therefore, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge, Fast Track Mahila 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 Judge 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the first petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation. The petitioners 2 to 5 shall report before the respondent police, as and when required for interrogation.

(c)the petitioners shall not tamper with the 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]**; and;

(f) if the accused / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/05/2023

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/05/2023

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

mbi

TO

1. THE SESSIONS JUDGE, FAST TRACK MAHILA COURT, THENI.

2. THE INSPECTOR OF POLICE,
AWPS BODI POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.VIDHYA SAGAR.S, Advocate (SR-7594[I] dated
19/05/2023)

ORDER
IN
CRL OP(MD) No.9010 of 2023
Date :18/05/2023

RK/SAR-(24/05/2023) 3P/5C