



CRL OP(MD). No.15788 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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1.Piratti

2.Kumar

... Petitioners/ Accused Nos.2 & 3

Vs

State represented by
the Inspector of Police,
All Women Police Station,
Srivaikundam,
Thoothukudi District.
(Crime No.8 of 2023)..

... Respondent/ Complainant

For Petitioners : Mr.K.Navaneetharaja,Advocate.

For Respondent : Mr.B.Nambiselvan,

Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.8 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-



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The petitioners/ Accused Nos.2 & 3 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9 and 10 of Child Marriage Act r/w. 5(l) of POCSO Act in Crime No.8 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant who is the daughter of the petitioners, lodged a complaint before the Child Helpline Member, her date of birth is 01.05.2005. She has love affair with one Paul Sudhakar. When the petitioners came to know about the same, they warned her and took her to their native. On 11.05.2023, the petitioners arranged an engagement with the defacto complainant and her maternal uncle. On 22.05.2023 marriage was performed. On 12.06.2023, she was taken to her paternal uncle's house and stayed there. Thereafter, on 13.07.2023 she called her lover and along with him she went to Thoothukudi and stayed with him. Thereby, she lodged a complaint before the Superintendent of Police, Thoothukudi District.

3. The learned counsel for the petitioners would contend that the petitioners are innocent and a false case has been foisted against them. He would further submit that the petitioners are parents of defacto complainant. There was love affair between the defacto complainant and Paul Sudhakar and the same was opposed by the petitioners. Thereby, the defacto complainant lodged a complaint against them.



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Hence, they seek anticipatory bail.

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4. The learned Additional Public Prosecutor would submit that there was love affair between the defacto complainant and Paul Sudhakar and the same was opposed by the petitioners and the petitioners married the defacto complainant to her maternal uncle. Thereby, the defacto complainant complained before the child help line. He objected to grant anticipatory bail to the petitioners.

5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and considering that the petitioners are parents of the defacto complainant and there was love affair between the defacto complainant and Paul Sudhakar and the same was opposed by the petitioners and also considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. 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 Judge, Special Sessions Court for POCSO Cases, Thoothukudi, 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 Magistrate concerned and on further condition that:



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[a] the petitioners shall report before the respondent Police daily at 10.00 am.,
until further orders.

[b] the petitioners shall not tamper with evidence or witness either during
investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

[e] If the accused thereafter absconds, a fresh FIR can be registered under
Section 229A IPC.

sd/-
01/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MRN



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TO
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- 1 THE JUDGE,
SPECIAL SESSIONS COURT FOR POCSO CASES,
THOOTHUKUDI.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SRIVAIKUNDAM,
TOOTHUKUDI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.NAVANEETHA RAJA, Advocate (SR-13114[I] dated 01/09/2023)

ORDER
IN

CRL OP(MD) No.15788 of 2023

Date :01/09/2023

PKP/VR/SAR- /07.09.2023/ 5P/5C

Madurai Bench of Madras High Court is issuing certified
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