



CRL OP(MD) No.4328 of 2024

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

Tuesday, the Nineteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 THIRUPATHI

2 ANNAKILI

3 CHINNADURAI

4 ANJALAIDEVI

... PETITIONERS / ACCUSED No.1 TO 4

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
MANAPPARAI POLICE STATION,
TRICHY DISTRICT.
CR.NO.7/2024

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.PITCHAI MUTHU Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO. 7/2024 ON THE FILE OF THE
RESPONDENT POLICE.



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ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the alleged offence under Sections 376(2)(n) & 354A of IPC r/w. Sections 9, 10, 5(l)(j)(ii), 6 and 17 of POCSO Act, in Crime No.7 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the first accused and the victim minor girl was performed by the both side families on 15.03.2023, subsequently, she became pregnant and when she went to the hospital, as she is being the minor girl, it was informed to the Child Welfare Committee, thereby, the present case came to be registered.

3. The learned counsel appearing for the petitioners would submit that that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. The petitioner and the victim girl are close relatives. Without knowing the consequences, the said marriage was performed by the elders of their families.



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4. The learned Government Advocate (Crl.Side) would submit that the said marriage was performed with consent of the victim girl and her family. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that with consent of the both side families, the marriage was performed between the first accused and the victim girl, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are granted anticipatory bail and they 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Manapparai, Trichy District, 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 and on further condition that:



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(a)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner No.2 shall report before the respondent Police as and when required for interrogation and the petitioner Nos.1 and 3 shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks, thereafter, as and when required;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;



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

sd/-
19/03/2024

/ TRUE COPY /

/03/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

INDU

TO

- 1 THE JUDICIAL MAGISTRATE
MANAPPARAI, TRICHY DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
MANAPPARAI POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.4328 of 2024

Date :19/03/2024

SS/JGB/SAR- /22/03/2024/5P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023