



CRL OP(MD)No.7574 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22.05.2024

PRESENT

THE HON'BLE MRS JUSTICE S.SRIMATHY

CRL OP(MD)No.7574 of 2024

1.Raja

2.Avachi

... Petitioners / Accused Nos.2 and 3

Vs

State represented by its
The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
(Crime No.14 of 2024)

... Respondent / Complainant

For Petitioners : Mr.A.V.Arun, Advocate

For Respondent : Mr.M.Muthumanikkan
Government Advocate (Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.14 of 2024 on the file of the Respondent police.



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ORDER: The Court made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9 of Child Marriage Act and Section 5(I), (j)(ii) r/w 6 of POCSO Act and Section 323 and 506(i) of IPC in Crime No.14 of 2024 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant who is aged about 17 years and Accused No.1, namely Periyakaruppan were in love with each other. They got married in the year 2021 at Tirupala temple at Madurai. They lived together and due to the wedlock the defacto complainant became pregnant. In this circumstances, due to misunderstanding, the petitioners herein along with the first accused harassed the defacto complainant, threatened her with dire consequences and also beaten up in her abdomen, which caused severe pain and she was admitted in the Government Hospital at Melur. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioners are only the in-laws of the defacto complainant.



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5. Taking into consideration the 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, Madurai 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 learned Magistrate 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of 30 days and thereafter, 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



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with law as if the conditions have been imposed and the petitioners are 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 229-A IPC.

sd/-
22/05/2024

/ TRUE COPY /

/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNN

To

1.The Judicial Magistrate,
Melur, Madurai District.

2.Do through the Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
All Women Police Station,
Melur, Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER

IN

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Date :22/05/2024

ED/ VR /SAR- (27/05/2024) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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