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Crl.OP.No.12524 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.12524 of 2025

1.Murugammal

2.Muniyappan

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
AWPS-Palacode,
Dharmapuri District.

(Crime No.11 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the
event of arrest in Crime No.11 of 2025 on the file of the respondent.

For Petitioners : Mr.J.Pradeep

For Respondent : Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent
police for the offences punishable under Sections 363, 366 of IPC r/w
Sections 5(1), 5(j)(ii), 6(1) of Protection of Child from Sexual Offences Act,
2012 and Sections 9 & 10 of Prohibition of Child Marriage Act, 2008.



2. The case of the prosecution is that the petitioners are the parents of the victim girl; that the petitioners along with other accused have solemnized the marriage of the victim girl with the first accused, when the victim girl was a minor; that thereafter, the first accused married another girl suppressing the earlier marriage; that the father of the said girl had lodged a complaint; and that thereafter, it was found by the Social Welfare Officer that the victim girl in this case got married when she was a minor. Hence, the case.

3. The learned counsel for the petitioners would submit that the only allegation against the petitioner is that they had solemnized the marriage of the daughter when she was a minor; that the said allegations do not warrant custodial interrogation and hence sought for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and submitted that the first



accused was arrested and still in custody. He has produced the Section 183(5) of BNSS statement of the victim girl and the FIR which was registered on the complaint of the Social Welfare Officer.

5. The petitioners are the parents of the victim girl. There is no allegation that they had compelled the victim girl to marry the first accused. Though the act of the petitioners in solemnizing the marriage of a minor cannot be justified, considering the nature of allegations against the petitioners, custodial interrogation is not required for the purpose of investigation and 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 is made ready, before the **Sessions Judge, Special Court For Exclusive Trial of Cases under POCSO Act, Dharmapuri** on condition that the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties



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 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 269 BNS.

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Index : Yes / No
Internet : Yes / No
rkp

To

- 1.The Station House Officer,
AWPS- Palacode,
Dharmapuri District.
- 2.The Sessions Judge,
Special Court for Exclusive Trial of Cases
under POCSO Act, Dharmapuri.
- 3.The Public Prosecutor,
Madras High Court, Chennai.



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SUNDER MOHAN , J.
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