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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23.01.2025

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

CRL OP(MD). No.22361 of 2024

1. R.Selvarani

2. Prabudeva

3. Sevugan

4. Marikannu

5. S.Aravindaraj

6. M.Sanmathiraj

7.S.Sasikala

8. K.Sevugan @ Samaran

... Petitioners / Accused No.1 to 8

Vs

The State of Tamil Nadu

Represented by

The Inspector of Police,

All Women Police Station,

Alangudi, Pudukottai District.

(Crime No.13 of 2024)

... Respondent/Complainant

For Petitioners : M/s.K.Sathish Kumar, Advocate

For Respondent : Mr.B.Thanga Aravindh

Government Advocate (Criminal Side)



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No. 13 of 2024 on the file of the respondent police.

ORDER: The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 9, 10 of Prohibition of Child Marriage Act, 2006, Section 7 and 8 of POCSO Act, 2012 and Section 351(2) & 115(2) of BNS in Crime No.13 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the victim girl, who was minor was forced to marry the second petitioner(A2) by the 1st petitioner and the other accused persons helped A1 and A2 in this process. When the matter came up for hearing on 09.01.2025, taking into consideration the statements recorded from the victim girl, this Court had directed the matter to be posted in the Chamber on 20.01.2025 and this Court had also directed the victim girl to be present. On 20.01.2025, the matter was listed before the Chamber and the victim girl was examined. After examining the victim girl, the following order was passed:



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Pursuant to the earlier order passed on 09.01.2025, the victim girl was present along with her aunt in my Chamber.

2. The victim girl stated that her parents had nine children. The father was a drunkard and he never took care of the children. The mother died some time back. Thereafter, the victim girl and her siblings were taken care by the grand parents. They also died two years back. The petitioner and her elder sister were taken care by the first petitioner, who is none other than the victim girl's father's sister. She alleges that the first petitioner wanted to get her elder sister married to one Prabhudeva. The elder sister refused and ran out of the house. Hence, the first petitioner was forcing the victim girl to marry the said Prabhudeva even when the victim girl was a minor. The victim girl stated that she protested and in spite of the same, the petitioners arranged for marriage in a temple and there was exchange of garland. Thereafter, the said Prabhudeva caused cruelty to the victim girl by coming to the house in inebriated state. His attempt to have physical relationship with the victim girl was



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also prevented by the victim girl. As a result, she was threatened and abused by the accused persons. The victim girl stated that she managed to escape and she is now taken care by her aunt, who is none other than the father's brother's wife.

3. The victim girl's aunt also confirmed the fact that the victim girl is now under her care.

4. Registry is directed to post this case on 23.01.2025.

3. Taking into consideration the facts and circumstances of the case and considering the statements given by the victim girl, this Court is not inclined to grant anticipatory bail to the 1st & 2nd petitioner. In respect of other petitioners (A3 to A8), this Court is inclined to grant anticipatory bail with certain conditions.

4. Accordingly, the petitioners(A3 to A8) is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Mahila Court, Pudukottai on condition that the petitioners(A3 to A8) shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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



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satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners(A3 to A8) 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(A3 to A8) shall report before the respondent police as and when required for interrogation.

[c] the petitioners(A3 to A8) shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners(A3 to A8) 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(A3 to A8) in accordance with law as if the conditions have been imposed and the petitioners(A3 to A8) 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 of BNS, 2023.



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5. Accordingly, this Criminal Original petition is dismissed in respect of A1 and A2 and ordered in favour of A3 to A8.

Sd/-
23/01/2025

/ TRUE COPY /

/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SMA

TO

- 1 THE JUDGE,
MAHILA COURT, PUDUKOTTAI.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ALANGUDI, PUDUKOTTAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SATHISHKUMAR, Advocate (SR-804[I] dated 24/01/2025)

ORDER IN
CRL OP(MD) No.22361 of 2024
Date :23/01/2025

ES/SKN/SAR. /13.02.2025/6P/5C

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