



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

Monday, the Sixteenth day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.4156 of 2015

1 R. KARTHIK SELVAN
2 R. RAMALAKSHMI
3 K. RATHINAM
4 R. PANCHAVARNAM

... PETITIONER NO.1/A1 PETITIONERS 2 TO 4/
RANK NOT KNOWN

Vs

THE INSPECTOR OF POLICE
A. MUKKULAM POLICE STATION, VIRUDHUNAGAR DISTRICT.
CRIME NO.16/2015 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.A.S.RAJESWARI Advocate (NO APPEARANCE)

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 9 and 10 of Prohibition of Child Marriage Act 2006 in Crime No. 16 of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned Counsel for the petitioners and the learned Government Advocate(Crl.Side).

3. On 13.03.2015, this Court passed the following order:
"M/s.A.S.Rajeswari, learned counsel for the petitioner is present.

2. Today, the respondent police is present and they have filed a status report, in which in paragraph Nos.2, 3 and 4, it is stated as follows:

" 2.I respectfully submit that on 02.03.2015 the village Women Welfare Officer namely Ravindra personally appear before A-Mukkulam Police Station and lodged a complaint. The brief fact of the complaint is that on 02.03.2015 a Minor marriage was held between the Marudheeshwari D/o.Rathinam and Karthickselvan. The marriage was conducted by the parents of the bride and bridegroom. The date of birth of the bride is 26.07.2000.

3.I respectfully submit that after received the complaint a case was registered in Crime No.16 of 2015 for the alleged offence u/s 9 and 10 of the Prohibition of Child Marriage Act against Karthickselvan and both family members. After the



registered the FIR the statement from the witnesses were recorded, observation magaser, rough sketch also prepared and a certificate from the Head Master of Primary School, Kuravaikulam was received for to prove the age of the girl.

4.I respectfully submit that the witnesses clearly state that the bride was enquired by the Village Women Welfare Officer and the bride admitted that the marriage was held on 02.03.2015. The girl secured from the matrimonial home. Now she is residing at Child Welfare Home. "

3. The learned counsel for the petitioners submits that the marriage was not performed on the said date, but only betrothal was done.

4. If it so, the petitioners are directed to file an undertaking affidavit before this Court in Tamil stating that no marriage was performed and they will not perform the marriage till the girl attains 18 years.

Call on 16.03.2015. The parties are directed to be present before this Court. "

3. Today, the petitioners 3 and 4, who are the parents of the victim girl, are present before this Court and filed an undertaking affidavit in Tamil, wherein they have stated that they have only done the betrothal of their daughter on the said date and that they have given an unequivocal undertaking that they will not perform the marriage of their daughter until she attains the age of 18 years and also stated that if she is willing to marry someone else after 18 years, they will not stand in her way.

4. Taking on record the undertaking given by the petitioners, this Court is of the view that it will serve the interest of justice, if anticipatory bail is granted to the petitioners.

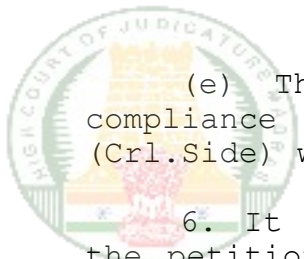
5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aruppukottai, Virudhunagar District, on condition that each of the petitioner 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 satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall appear before the respondent police daily at 10.30a.m. for a period of two weeks and thereafter as and when required for interrogation.

[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 Judicial 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 Judicial 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) The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl.Side) whether the petitioners are complying with the order or not.

6. It is seen that Mr.A.S.Rajeswari, learned Counsel appearing for the petitioners herself is a victim of child marriage and after getting married, her husband has permitted her to pursue her studies and become a lawyer. She herself has stopped several child marriages in her village. This Court records its profound appreciation for Mrs.A.S.Rajeswari, Advocate and hopes that she will continue her good efforts in curbing this pernicious practise.

sd/-
16/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI, VIRUDHUNAGAR.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR.
3. THE INSPECTOR OF POLICE
A. MUKKULAM POLICE STATION, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CCS to M/S.A.S.RAJESWARI Advocate SR.No. 12415

SR : 18.03.2015 : 3P/7C

ORDER
IN
CRL OP(MD) No.4156 of 2015
Date :16/03/2015