



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

Thursday, the Fourth day of August Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.11595 of 2016

WEB COPY

1 SANKAR,
2 AKNISWARI,

... PETITIONERS / ACCUSED No.1 & 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUMANGALAM, MADURAI DISTRICT. ... RESPONDENT / COMPLAINANT

For Petitioner : M/S J.PRAVEEN Advocate
For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

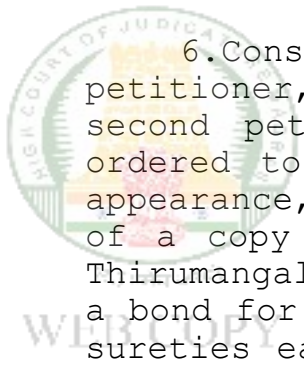
The petitioners, who are arrayed as Accused Nos.1 and 2 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 in Crime No.50 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner married a minor girl namely Deepa, arranged by second petitioner and other accused persons. On complaint, a case has been registered for the above said offences.

3.The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case. The second petitioner is only the mother of the first petitioner and she has nothing to do with the alleged occurrence.

4.The learned Government Advocate (Criminal side) submitted that the first petitioner married the victim girl on 14.06.2016, who is aged about 16 years and on the complaint given by the Social Welfare Officer, a case has been registered. Now the victim girl is with her parents. The other accused are absconding and investigation is pending.

5.The first petitioner married the victim girl on 14.06.2016, who is aged about 16 years. Considering the serious nature of the said allegation, this petition is dismissed as against the first petitioner.



6.Considering the nature of allegation made against the second petitioner, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions. Accordingly, she is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam, on condition that the second 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the second petitioner shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the second petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the second petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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]**.

7.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the second petitioner is complying with the conditions or not.

sd/-
04/08/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

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

+1. CC to M/S J.PRAVEEN Advocate SR.No.42008

ORDER
IN
CRL OP(MD) No.11595 of 2016
Date :04/08/2016