

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Third day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL ORIGINAL PETITION No.13326 of 2018

1 PANDIAN
2 KARUNANITHI

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVANNAMALAI,
THIRUVANNAMALAI DISTRICT.
CRIME NO.13 OF 2018

[RESPONDENT]

For Petitioner : M/S.S.SILAMBU SELVAN Advocate

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The learned counsel for the petitioners has submitted that based on the complaint given by the Child Welfare Committee, the respondent herein has registered a case against the petitioners under Sections 9 & 10 of Prohibition of Child Marriage Act, 2006. He has also submitted that the first petitioner is the son of the second petitioner and they have made arrangement for getting marriage of the girl without knowing her actual age. He further submitted that the marriage was arranged through the mother of the victim girl and she informed the petitioners that her daughter is a major, believing her words, the petitioners made arrangement for getting marriage. However, the marriage was thwarted. The learned counsel appearing for the petitioners further submitted that the petitioners are innocent and have not committed any offence. Hence, he prays for granting anticipatory bail to the petitioners.

2.The learned Additional Public Prosecutor has submitted that already the mother of the first petitioner was arrested and subsequently she was released on bail. She further submitted that investigation is in progress. Hence, she opposed the petition.

3.Taking into consideration of the submissions made by the learned counsel for the petitioners that the marriage was thwarted by intervention of the Child Welfare Committee and also the fact that already one of the accused was arrested and subsequently she was released on bail, this Court is inclined to grant anticipatory

bail to the petitioners by imposing the conditions.

4. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the Judicial Magistrate-I, Thiruvannamalai, within a period of 15 days from the date of receipt of a copy of this order, on their executing 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter as and when required.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the petitioners shall not tamper with evidence or witness 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 229A IPC.

-sd/-
23/05/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVANNAMALAI,
THIRUVANNAMALAI DISTRICT.

+1CC to M/S.S.SILAMBU SELVAN Advocate on payment of necessary
charges SR NO.9390

CRL OP.13326/2018

Date :23/05/2018

MK:25/05/2018