



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

Monday, the Eighteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2491 of 2019

1 SYMON
2 REJINA

... PETITIONERS / ACCUSED 2 & 3

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PUDUKKOTTAI,
THOOTHUKUDI
(CRIME NO. 9/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.K.APPADURAI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI
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 apprehending arrest at the hands of the respondent police for the alleged offence under Sections 9 and 10 of the Prohibition of Child marriage Act, 2006 in Cr.No.9 of 2018, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the defacto complainant is working as Rural Welfare Officer, Social Welfare in Thoothukudi. She had received information stating that child marriage was performed in Siluvaipatti, Thoothukudi District and the petitioners herein the parents of the first accused. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. He would further submit that A1 was released on bail by the Court below and A4 and A5 were granted anticipatory bail by this Court in Crl.O.P.(MD)No.19683 of 2018, on 01.11.2018 and hence, he would pray for anticipatory bail to the petitioners.



4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that investigation is pending.

5.Considering the facts and circumstances of the case and considering the fact that co-accused were enlarged with bail, this Court is inclined to grant anticipatory bail to the petitioners. 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 No.II, Thoothukudi, on condition that the petitioners shall execute 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 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 daily at 10.30 p.m., until further orders;

(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]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/02/2019

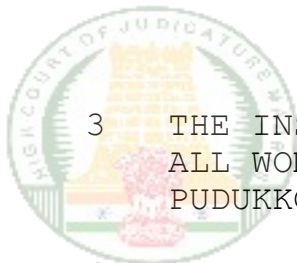
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO II
THOOTHUKUDI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI



3

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PUDUKKOTTAI, THOOTHUKUDI

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

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+1. CC to MR.K.APPADURAI Advocate SR.No.3282

ORDER

IN

CRL OP(MD) No.2491 of 2019

Date :18/02/2019

MSI/VR/SAR-III/22.02.2019-3P/6C