



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

Wednesday, the Twenty Seventh day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4593 of 2019

SANTHI

... PETITIONER / ACCUSED No.4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
(CRIME NO. 11/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.W.D.TILAK Advocate

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

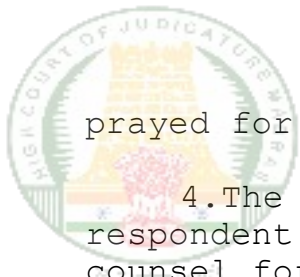
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 9, 10& 11 Prohibition of Child Marriage Act in Cr.No.11 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner is arrayed as A4. The petitioner is the grant mother of the defacto complainant. The defacto complainant is a 15 years old minor girl. After the death of the defacto complainant's parents, she is residing under the care and custody of the petitioner. In such circumstances, the petitioner has arranged the defacto complainant's marriage with other accused person. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and have been falsely implicated in this case. He would further submit that the petitioner is the only person to take care and custody of the defacto complainant, since she



prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent police did not dispute the fact submitted by the learned counsel for the petitioner.

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5.Considering the facts and circumstances of the case, since the petitioner is the grant mother of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner 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, No.III, Thoothukudi on condition that 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 petitioner and the sureties shall affix her 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 petitioner shall report before the respondent police as and when required for interrogation;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner 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/-
27/03/2019

/ TRUE COPY /



1. THE JUDICIAL MAGISTRATE NO. III,
THOOTHUKUDI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT,

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

+1. CC to MR. A. W. D. TILAK Advocate SR. No. 5649

ORDER
IN
CRL OP (MD) No. 4593 of 2019
Date : 27/03/2019

AE/JC/SAR-I/29.03.2019/3P/6C