



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

Monday, the Twenty Ninth day of April Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

WEB COPY

CRL OP (MD) No.6350 of 2019

1 THANGAPPAN
2 SUTHANTHIRAM

... PETITIONERS / ACCUSED NOS.2 & 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TUTICORIN.
CRIME NO.11/2019

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.G.RADHAKRISHNAN, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government 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 9,10 and 11 of the Tamil Nadu Prohibition of Child Marriage Act, 2006 @ Section 17, r/w.18 of POSCO Act in Cr.No.11 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution the petitioners herein arranged arranged marriage with the minor girl with the consent of the members of both the family. On receiving the information, the Social Welfare Officer made a complaint before the respondent police and thereafter the case has been registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. He would also submit that the petitioners acted only as brokers and only with the consent of the family members the marriage was performed.

4.The learned Government Advocate(Crl.side) appearing for the respondent police did not dispute the fact submitted by the learned counsel for the petitioners.

5.Considering the facts and circumstances and considering the fact that the petitioners acted as brokers, 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.III, Tuticorin 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 first petitioner shall report before the respondent police daily at 10.30a.m until further orders and the second petitioner shall report before the respondent police as and when required for interrogation

(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/-

29/04/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.III, TUTICORIN.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TUTICORIN.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.G.RADHAKRISHNAN Advocate

SR.No.8034

ORDER IN

CRL OP(MD) No.6350 of 2019

Date : 29/04/2019