



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.7185 of 2019

WEB COPY

1 P.SHANMUGAM,

2 P.MANIKANDAN,

3 S.MADHUBALAN,

4 K.MASI,

5 P.CHINNAMURUGAN,

... PETITIONERS/ACCUSED 2 to 6

Vs

STATE REP BY:: THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THIRUVERUMBUR
(AWPS), TRICHY DIST. CR.NO.7/2019

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.B.JAMEEL ARASU Advocate

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

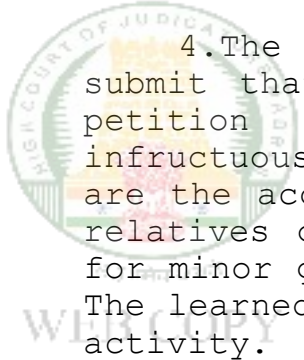
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners /accused Nos.2 to 6, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 9 and 11 of Prohibition of Child Marriage Act, 2006 in Crime No.07 of 2019 on the file of the respondent police, seek anticipatory bail.

2.Heard Mr.B.Jameel Arasu, learned Counsel for the petitioners and Mr.A.Robinson, learned Government Advocate (Crl. Side) appearing for the State.

3.The case of the prosecution is that the petitioners were involved for arrangements of marriage on 28.04.2019 between the first accused namely, Packyaraj and the victim girl namely, Maheswari, who is aged about 17 years old, without her consent. On receipt of information given by the District Social Welfare Officer, Trichy, this case has been registered.



4.The learned counsel appearing for the petitioners would submit that the first petitioner was arrested and therefore, the petition insofar as the first petitioner is dismissed as infructuous. As far as the petitioners 2 to 5 are concerned, they are the accused Nos.3 to 6 in Crime No.07 of 2019 and they are the relatives of the main accused, where they have arranged a marriage for minor girl. On account of which, the case has been registered. The learned counsel undertook that they will not indulge in any such activity.

5.The learned Government Advocate (Crl. Side) appearing for the respondent Police opposes the grant of anticipatory bail.

6.Considering the nature of offence and the undertaking given by the petitioners that they will not indulge in any such activity, this Court is inclined to grant anticipatory bail to the petitioners 2 to 5 with the following conditions and insofar as the first petitioner is concerned, this petition is dismissed as infructuous.

7.Accordingly, the petitioners 2 to 5 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 on which the order copy was made ready before the learned Judicial Magistrate No.V, Trichy District, on condition that the petitioners 2 to 5 shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, for a like sum to the satisfaction of the respondent Police and on further conditions that:-

[a] the petitioners 2 to 5 as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

[b] the petitioners 2 to 5 shall report before the respondent police as and when required for interrogation.

[c] the petitioners 2 to 5 shall not tamper the evidence or witness either during investigation or trial.

[d] the petitioners 2 to 5 shall co-operate for the investigation and the trial. The petitioners 2 to 5 shall not abscond either during investigation or trial and in event of the petitioners 2 to 5 abscond, the respondent police shall register a case as provided under Section 229-A IPC.

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioners 2 to 5, as per the



principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-
15/05/2019

/ TRUE COPY /

WEB COPY

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

TO

1 THE JUDICIAL MAGISTRATE NO. V, TIRUCHY

2 DO THRO'THE CHIEF JUDICIAL MAGISTRATE TIRUCHY

3 THE ADDL PUBLIC PROSEUCTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THIRUVERUMBUR
(AWPS), TRICHY DIST. CR.NO.7/2019

+1. CC to M/S.B.JAMEEL ARASU Advocate SR.No. 8522

KK PN SAR 2
17/05/2019

ORDER
IN
CRL OP(MD) No.7185 of 2019
Date :15/05/2019

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