



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 17/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8326 of 2019

1. Parthipan
2. Vasantha

...Petitioners/Accused No.1 & 3

Vs

State rep.by
The Inspector of Police,
Cumbum South Police Station,
Theni District.
Crime No.135 of 2019

... Respondent/Complainant

For Petitioners: M/s.R.Balamuruganantham,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

For anticipatory bail in cr.no.135 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 9, 10 and 11 of Prohibition of Child Marriage Act 2006 and Section 6 of Protection of Child from Sexual Offences Act 2012, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent persons and a false case have been foisted against the petitioners. Hence, he prayed for granting anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor has submitted that there are totally five accused in this case and the petitioners herein are arrayed as A-1 and A-3. He further submitted that A-1



had married 13 years old victim girl and A-3 is the mother of A-1. He strongly opposed this petition, as investigation is still pending.

5. Taking into consideration of the fact that the the first petitioner has married the 13 years old child, this petition is dismissed as against the first petitioner.

6. Insofar as the second petitioner is concerned who is the mother of the first petitioner/A-1 and the allegation against her is that she arranged for marriage. Hence, this Court is inclined to grant anticipatory bail to the second petitioner with certain conditions.

6. Accordingly, the second 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 District Fast Track Mahila Court, Theni, Theni District and the second petitioner 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 second petitioner shall report before the respondent police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

[b] the second petitioner shall not tamper with evidence or witness either during investigation or trial.

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

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions has been imposed and the second petitioner 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].

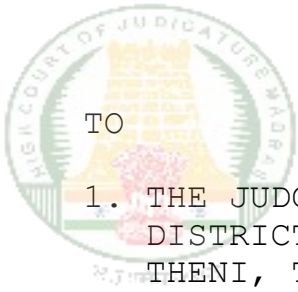
[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

17/06/2019

/ TRUE COPY /

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



TO

1. THE JUDGE,
DISTRICT FAST TRACK MAHILA COURT,
THENI, THENI DISTRICT.

2. THE INSPECTOR OF POLICE,
CUMBUM SOUTH POLICE STATION, THENI DISTRICT.

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

+1. CC to M/S.R.BALAMURUGANANTHAM Advocate SR.No.9823

ORDER

IN

CRL OP (MD) No.8326 of 2019

Date :17/06/2019

MS/PN/SAR-3/25.06.2019/3P.5C