



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

Thursday, the Twentieth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8606 of 2019

MANI @ MANIKANDAN

... PETITIONER / ACCUSED NO.5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
IN CRIME NO.13/2019,
THENI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.SUSI KUMAR Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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 offences punishable under Sections 9 & 10 of Child Marriage Restraint Act, 1929, and 294 (b) and 324 of IPC and 17 & 18 of POCSO Act, in Crime No.13 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that even as per the FIR, on 17.05.2019, A1 married minor victim girl without her consent. The minor victim girl tried to commit suicide and thereafter, with the help of child line Association, she preferred the complain against the accused persons. He further submitted that A1 is the husband and, A2 to A5 are in-laws of the of the victim girl. A6/petitioner herein is relative of the victim girl. A1 was already arrested and remanded to judicial custody. He further submitted that the petitioner is in no way connected in this case. He was only attended the marriage as a relative on invitation by victim girl's mother, and therefore, he prayed anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that the A1 got married the minor victim girl without her consent and he was arrested and remanded to



judicial custody. He further submitted that the petitioner herein/A6 has arranged for marriage along with other accused persons and hence, he opposed this petition. However, he fairly conceded that apart from that no specific allegations against the petitioner.

5. Considering the fact that the only allegation against the petitioner is that he has arranged for marriage along with other accused persons and also the fact that he is relative to the victim girl, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the 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.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

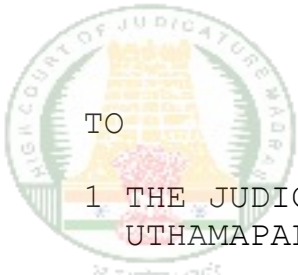
(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].

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

sd/-
20/06/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3 THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.

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

+1. CC to M/S.C.SUSI KUMAR Advocate SR.No. 10263

ORDER

IN

CRL OP (MD) No.8606 of 2019

Date :20/06/2019

JM/VR/SAR 2/24.06.2019/3P/6C