



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 27/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8992 of 2019

1. Raja
 2. Anadavar @ Palani Andavar,
 3. Guruvammal
 4. Ganesan
 5. Chellathayee
- ... Petitioners/Accused Nos.1 to 5

Vs

State rep by,
The Inspector of Police,
Veerapandi Police Station,
Theni District.
(Crime No.76 of 2019). ... Respondent/Complainant

For Petitioner : M/s.P.Senguttuarasan,
Advocate.
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.

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

PRAYER :-

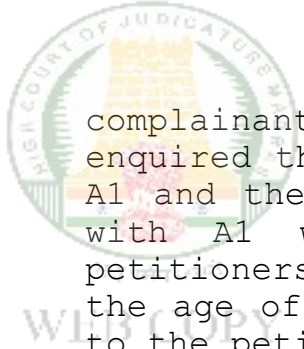
For Anticipatory Bail in Crime No.76 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9 & 10 of Child Marriage Act, 2002, in Crime No.76 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners 2 & 3 are the parents of A1 and the petitioners A4 & A5 are the parents of the minor victim girl. Even as per the FIR, based on the secret information, the defacto



complainant, who is the Chairman of Children Welfare Committee has enquired the victim minor girl and she revealed that the parents of A1 and the parents of the minor victim girl arranged her marriage with A1 without her consent. He further submitted that the petitioners 2 & 3 are illiterate persons and they are not aware of the age of the victim girl, and hence, he prayed anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the petitioners 2 to 4 have arranged the marriage of minor victim girl with A1, without her consent. He further submitted that the investigation is still pending and hence, he opposed this petition.

5.Considering the submission made by the learned counsel for the petitioners that the petitioners 2 & 3 are illiterate persons and without knowing the age of the victim girl, they have made arrangement for getting marriage with A1, this Court is inclined to grant anticipatory bail to the petitioners 2 & 3 concerned with certain conditions.

6. Accordingly, the petitioners 2 & 3 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, Theni, on condition that the petitioners 2 & 3 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 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 petitioners 2 & 3 fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners 2 & 3 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 petitioners 2 & 3 shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners 2 & 3 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.

7. Insofar as the petitioners 4 & 5 concerned, they are being the parents of the victim girl, they knowing fully well that their daughter is minor, they married her with A1. Hence, this Court is not inclined to grant anticipatory bail to the petitioners 4 & 5. Insofar as the first petitioner concerned, he got marriage with the minor victim girl. Hence, this Court is not inclined to grant anticipatory bail to the first petitioner also. Accordingly, this Criminal Original Petition is dismissed insofar as the petitioners 1, 4 & 5 are concerned.

sd/-
27/06/2019

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

TO

1. THE JUDICIAL MAGISTRATE, THENI

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

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

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

+1. CC to M/S.P.SENGUTTUARASAN Advocate SR.No.10737

ORDER
IN
CRL OP(MD) No.8992 of 2019
Date : 27/06/2019

dss
PK/VR/SAR-2/03.07.2019 : 3P/6C