



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/07/2019

WEB COPY

PRESENT

The Hon'ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9326 of 2019

P.Shanmugam

... Petitioner/Accused
Rank No.2

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Thiruverumbur(AWPS),Trichy District.
Crime No.7/2019.

... Respondent/Complainant

For Petitioner : M/s.B.Jameel Arasu,
Advocate.

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

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

PRAYER :-

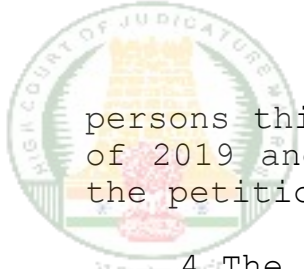
For Anticipatory Bail in Crime No.7/2016 on the file of the respondent police.

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 and 11 of Prohibition of Child Marriage Act, 2006, in Crime No.7 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the previous application which was filed by the petitioner herein and other accused person in Crl.O.P.(MD).No.7185 of 2019 was dismissed on the ground that the petitioner herein was arrested and hence the petition has become infructuous against him. Actually A1 was arrested and the petitioner herein is A2 but mistakenly it was reported before the Court that the petitioner herein was arrested and only on that ground earlier petition was dismissed. He further submitted that in respect of the other accused



persons this Court granted anticipatory bail in CrI.O.P.(MD).No.7185 of 2019 and therefore, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent Police has submitted that investigation is still pending and hence, he opposed this petition.

5.Considering the aforesaid submission made by the learned counsel for the petitioner, this court is inclined to grant anticipatory bail to the petitioner by imposing 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 No.V, Trichy, 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 fails 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 petitioner in accordance with law as if the conditions have been imposed and the 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].

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

sd/-

11/07/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO V,
TRICHY.

2. THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVERUMBUR (AWPS), TRICHY DISTRICT.

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

+1. CC to Mr. B. JAMEEL ARASU Advocate SR.No.11550

ORDER

IN

CRL OP (MD) No.9326 of 2019

Date : 11/07/2019

vsg

TK/VR/SAR.1/15.07.2019/3P/6C