



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10167 of 2019

Malar,

... Petitioner/5th Accused

Vs

State rep by
The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagardistrict.
(Crime No. 15 of 2019).

... Respondent/Complainant

For Petitioner : M/s.S.Poornachandran,
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. 15 of 2019 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 10 of the Child Marriage Restraint Act 1929, Section 5(1), 6 and 17 of the Protection of Children from Sexual Offences Act, 2012, Section 294(b), 323, 420, 406, 506(i) IPC and Section 4 of Dowry Prohibition Act, in Crime No.15 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is the mother of the defacto complainant and as per FIR, at the time of alleged marriage, the defacto complainant has not completed 18 years, but now she



completed 18 years. He further submitted that the petitioner is a widow and the FIR it is stated that the other accused persons have compelled the petitioner to marry her daughter (defacto complainant) to A1 and for that initially she resisted, but, since they continuously gave pressure, she yielded to the said pressure and marriage was performed on 22.01.2018 between the accused No.1 and the defacto complainant. He further submitted that except the aforesaid allegation, no other allegation has been made against the petitioner. The said offence and the said Act would be punished under Section 10 of the Prohibition of Child Marriage Act 2006 and for the said offence the punishment prescribed 2 years and fine and therefore, he prayed to grant anticipatory bail to the petitioner.

3.Per contra the learned Additional Public Prosecutor for the respondent has submitted that the offence of the petitioner herein is that the marriage of victim girl was solemnized with the accused No.1 and at the time of marriage, the victim was only aged about 17 years. Therefore, he strongly opposed this petition.

4.Taking into consideration of the fact that the petitioner is a widow and initially she did not agree for the child marriage and since the other accused persons continuously gave pressure, she yielded to the said pressure and marriage of the minor girl was performed with A1 on 22.01.2018 and except the said allegation, no other allegation has been made against the petitioner and also the fact that even in the FIR, it is stated that now the victim girl is in custody of the petitioner herein, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5.Accordingly, the 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 Mahila Court, Srivilliputhur, 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:

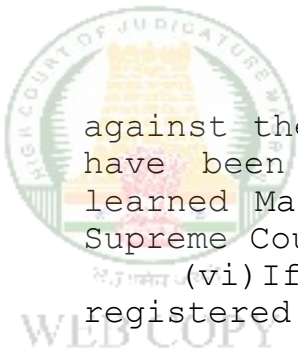
(i) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(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 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/-
19/07/2019

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

TO

- 1 THE JUDGE,
MAHILA COURT
SRIVILLIPUTHUR
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.S.POORNACHANDRAN Advocate SR.No.12033

ORDER
IN
CRL OP(MD) No.10167 of 2019
Date :19/07/2019

KM/JC/SAR-III (02.08.2019) 3P 5C