

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Ninth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.5403 and 5416 of 2020

1 RAVI [PETITIONERS / ACCUSED
2 R.ANNAKILI IN CRL.OP.NO.5403/2020]

1 SATHISH KUMAR [PETITIONERS/ACCUSED]
2 MURTHI [IN CRL.OP.NO.5416/2020]
3 VENNILA

Vs

1 THE INSPECTOR OF POLICE [RESPONDENT
ALL WOMEN POLICE STATION, IN BOTH THE PETITIONS]
POLUR,
TIRUVANNAMALAI DISTRICT.
CR.NO.4 OF 2019

For Petitioner : M/S.V.PRAKASH BABU Advocate
[IN CRL.OP.NO.5403/2020]

For Petitioner : M/S.E.RAJAMANI Advocate
[IN CRL.OP.NO.5403/2020]

For Respondent : MR.K.PRABAKAR ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

- 1.The Petitioners herein, apprehending arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006, in Cr.No.4 of 2019, have filed these Criminal Original Petitions, under Section 438 of Cr.PC, seeking anticipatory bail.
- 2.The facts of the case of the Prosecution, as per the defacto complainant, C.Vijaya, Social Welfare Development Officer, are that there are five accused persons in the case on hand and the Petitioners in Crl.OP.No.5403 of 2020 are A3 and A4, who are the parents of the victim girl, R.Santhiya, aged about 17 years and the Petitioners in Crl.OP.No.5416 of 2020 are A1, A2 and A5, who are the Boy and his parents and that on getting information about the marriage being conducted between victim girl and the Petitioner/A1 Sathish Kumar, aged about 27 years old, the defacto

complainant had conducted an enquiry in the Village and found that the marriage was conducted between the said minor girl and the Petitioner/A1 and hence, she had made the complaint against the Petitioners. Hence, the Petitioners have been implicated as the accused in the case on hand.

3. This court heard the learned counsel for the Petitioner and the learned Additional Public Prosecutor for the Respondent and also perused the materials placed before this Court.

4. According to the Petitioners, the Petitioners being relatives, only a betrothal ceremony was conducted and they have decided to conduct the marriage after the minor girl attains majority, however, due to enmity in the Village, they have been falsely implicated in the case on hand, as if the marriage was conducted between the minor girl and the Petitioner/A1. The Petitioners would abide by any conditions to be imposed by this Court for enlarging the Petitioners on anticipatory bail.

5. On the other hand, the learned Additional Public Prosecutor, while vehemently opposing to grant anticipatory bail, would submit that the Petitioners/accused have conducted the marriage between the victim girl, aged about 17 years and the Petitioner/A1 and that a statement was recorded from the victim girl, wherein she has stated that there was no physical relationship between her and the Petitioner/A1. In such facts, anticipatory bail cannot be granted to the Petitioners.

6. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail in favour of the Petitioners, however, on stringent conditions. Accordingly, the Petitioners are hereby ordered to be released on anticipatory bail, in the event of their arrest or on their appearance before the Mahila Judge (FTC), Tiruvannamalai, within 15 days from the date of receipt of a copy of this order and further on each of the Petitioners complying with the following conditions, without fail:-

i. If the Petitioners fail to surrender before the Mahila Judge (FTC), Tiruvannamalai, within a period of 15 days, from the date of receipt of a copy of this order, this order shall stand automatically cancelled, without any further reference to this Court.

ii. Each of 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 Mahila Judge (FTC), Tiruvannamalai. The sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

iii. The Petitioners shall report before the Respondent Police, daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required, until further orders.

iv. The Petitioners shall not abscond either during the investigation or the trial. The Petitioners shall not tamper with evidence or witness, either during the investigation or the trial.

v. On breach of any of the aforesaid conditions, the concerned 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 are released on bail, by the concerned Trial Court itself, as laid down in the decision of the Honourable Supreme Court reported in **2005 AIR SCW 5560 (P.K.Shaji Vs. State of Kerala)**.

vi. If the Petitioners, thereafter, abscond, a fresh First Information Report shall be registered, under Section 229A of IPC.

-sd/-

09/03/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE MAHILA JUDGE[FTC]
TIRUVANNAMALAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
POLUR,
TIRUVANNAMALAI DISTRICT.

+1 CC to M/S.V.PRAKASH BABU Advocate on payment of necessary charges SR.NO. 4691

WEB COPY

CRL OP.5403 AND 5416 /2020

Date :09/03/2020

RD 10/03/2020