

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2020

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. No.8736 of 2020

1.P.Govinthasami
2.M.Santhi

... Petitioners

Vs.

The State represented by
The Inspector of Police,
Samalpatti Police Station,
Krishnagiri District.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.559 of 2020 on the file of the respondent Police.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006 in Crime No.559 of 2020 on

the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 was married to the victim girl, who is the minor aged about 14 years. There are totally three accused persons in this case and the petitioners are A2 and A3. The 1st petitioner is the father of A1 and the second petitioner is the mother of the victim girl.

3.The learned counsel appearing for the petitioner submitted that both the families are closely related and A1 has already been arrested.

4.The learned Additional Public Prosecutor appearing on behalf of the respondent Police submitted that A1 was arrested and the FIR itself was registered based on the complaint given by the victim girl. The learned counsel further submitted that the victim girl has been secured.

5.Taking into consideration the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court, Uthangarai, Krishnagiri District on condition that the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the

police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police every Monday at 10.30 a.m., for a period of eight weeks and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

Index :Yes/No

Internet : Yes/No

N.ANAND VENKATESH,J.

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To

1.The Judicial Magistrate Court,
Uthangarai, Krishnagiri District.

2.The Inspector of Police,
Samalpatti Police Station,
Krishnagiri District.

3.The Public Prosecutor,
Madras High Court, Madras.



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