

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
Crl.O.P.No. 11182 of 2020

1.Lawrance

2.Magimaidass

... Petitioners/Accused Nos.1 & 4

Vs.

The State represented by,
The Inspector of Police,
Kanjapur Police Station,
Villupuram District.
(Crime No. 627 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C.
to enlarge the petitioners on bail in Crime No.627 of 2020, on the
file of the Inspector of Police, Kanjanur Police Station,
Villupuram District.

For Petitioners : Mr.C.Prabakaran

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial
custody on 10.06.2020 for the offences punishable under Sections 9
& 10 of the Prohibition of Child Marriage Act, 2006, in Crime No.
627 of 2020 on the file of the respondent police, seek bail.

2 The case of the prosecution as per the defacto
complainant viz., Tmt.Vijayalakshmi, Social Welfare Officer,
Villupuram, is that the accused had performed the marriage of
Minor Shiney Mary, who is the daughter of the first petitioner,
aged about 15 years with one Anthonyraj, who is the son of the
second petitioner, on 03.06.2020, in a Church at Narasinganur and
the complaint was made on 10.06.2020.

3 The learned counsel appearing for the petitioners would submit that they are villagers and that they have only performed the betrothal in front of the Church. He would submit that if it is a marriage, it should have been registered and that there is no such registration of the marriage and it was only a betrothal function and that due to enmity in the village, a false complaint has been given against them. He would submit that the first petitioner is the father of the alleged minor girl and the second petitioner is the father of the alleged bride groom. He would submit that they were arrested on 10.06.2020 and they are in custody for a period of 49 days as on today (28.07.2020).

4 The learned Government Advocate (Crl.side) appearing for the respondent would submit that the petitioners are respectively the father of the minor girl and the father of the bride groom, have performed the marriage between the minor Shiney Mary, aged about 15 years with the son of the second petitioner viz., Anthonyraj. Hence, he opposed to grant bail to the petitioners.

5 Taking into consideration of the facts and submissions of the learned counsel and also considering the fact that the petitioners are in jail from 10.06.2020, this Court is inclined to grant bail to the petitioners subject to the following conditions:-

(a) Accordingly, the Petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the Petitioners have been confined and thereafter on their release;

(b) Each petitioner shall execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned District Munsif cum Judicial Magistrate Court, Vikravandi, Villupuram District, within 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning or whichever is earlier, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police every day at 10.30 a.m., for a period of one week and thereafter as and when required for the interrogation.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

6 With the above directions, this Criminal Original Petition is ordered.

-sd/-
28/07/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE COURT,
VIKRAVANDI, VILLUPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE SUPERINTENDENT,
DISTRICT PRISON, VILLUPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

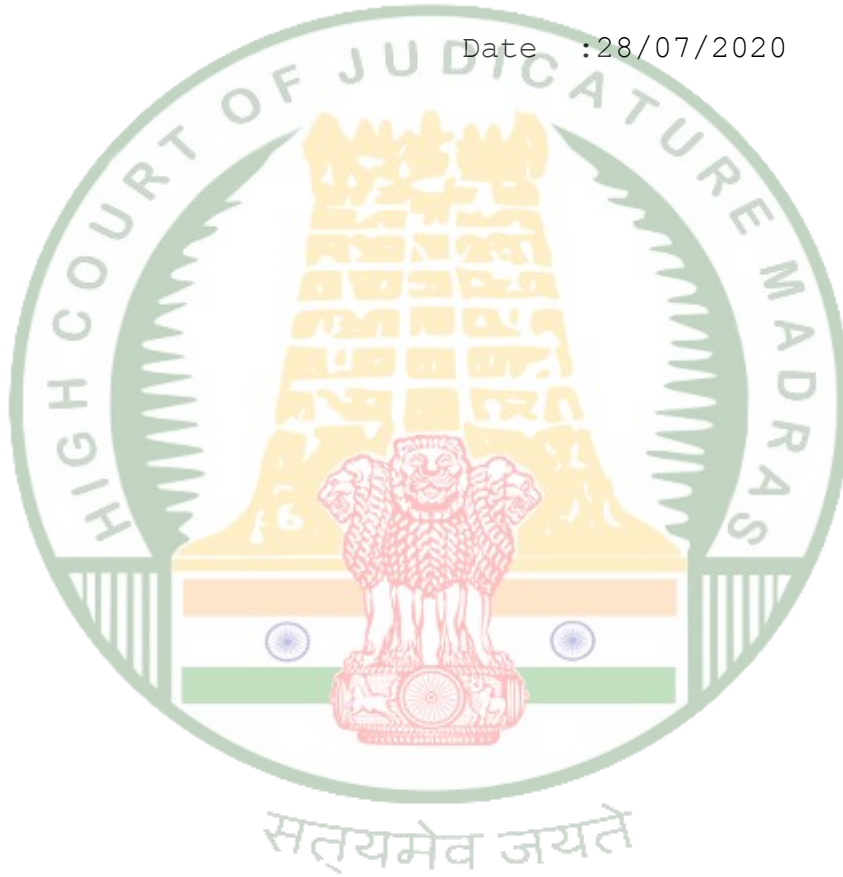
5 THE INSPECTOR OF POLICE,
KANJANUR POLICE STATION,
VILLUPURAM DISTRICT.

+1CC to M/S. C.PRABAKARAN Advocate on payment of necessary
charges SR NO.5794

CRL OP.11182/2020

Date :28/07/2020

MK:30/07/2020



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