

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14504 of 2020

1.Manikandan,
S/o.Dhandapani
2.Satheeshkumar,
S/o.Duraiaraj
3.Manikandan,
S/o.Sivalingam

... Petitioners

Vs.

The State Represented by
The Inspector of Police,
R-2, Perur Police Station,
Coimbatore District.
(Crime No.1100 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest by respondent police concerned in Crime No.1100 of 2020 on the file of the respondent.

For Petitioners : Mr.M.N.Balakrishnan

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 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 10 and 11 of Prohibition of Child Marriage Act, 2006, in Crime No.1100 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant / Sub-Inspector of Police is that one Farhath Nisha, who was aged about 19 years, and one Chandru, who was aged about less than 20 years,

loved each other, which was opposed by their family. However, the petitioners solemnised their marriage in a Temple. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the girl Farhath Nisha and the boy Chandru loved each other and they belonged to different community. As there was opposition from their family, they got married on their own. Since the petitioners are dwelling in the same street of the said Chandru, they were implicated in this case. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners had arranged the marriage of the boy Chandru, who was aged about less than 20 years with the girl Farhath Nisha, who was aged about 19 years, though there was opposition from their family. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Coimbatore, on condition that each petitioners shall execute a separate 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 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 petitioners 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 petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

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

[d] the petitioners 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 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].

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

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

-sd/-

17/09/2020

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 JUDICIAL MAGISTRATE,
NO.I, COIMBATORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
R-2 PERUR POLICE STATION,
COIMBATORE DISTRICT

CC to M/S. M.N.BALAKRISHNAN Advocate on payment of necessary charges

सत्यमेव जयते

WEB COPY

CRL OP.14504/2020

Date :17/09/2020

RD 28/09/2020