

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.16789 of 2020

1.Meena
2.Sivakumar @ Sivakutty
3.Menaka

... Petitioners

- Vs. -

The State represented by
Inspector of Police,
Sirumugai Police Station,
Coimbatore District.
(Cr.No.409 of 2020).

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Crime No.409 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.C.Ramkumar

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006 in Crime No.409 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the *de facto* complainant is that she is aged 15 years and that against her will, the relatives arranged marriage between her and one Chandrasekar (A1) on 24.06.2020 at Veerammathiamman Koil, Pogalur. Since she did not like the marriage, she had given 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 petitioners are relatives of Chandrasekar (A1) and that they were informed about the marriage and they only attended the marriage and

they have not assisted or abetted the other accused to perform the child marriage. He would submit that the victim has given a statement under Section 164 of Cr.P.C, wherein, she had stated that A1 had not touched her or committed any sexual assault. He would further submit that the petitioners are villagers and they were not aware of the age of the victim girl and they attended only on invitation. He would submit that A1 in this case has been arrested and he has been enlarged on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are relatives of A1 and that they performed the child marriage between the victim and one Chandrasekar (A1) on 24.06.2020. Hence, he vehemently opposed to grant of anticipatory bail to the petitioners.

5. Heard the learned counsel on both sides and perused the statement recorded under Section 164 Cr.P.C from the victim girl.

6. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned **Judicial Magistrate, Mettupalayam, Coimbatore District**, on condition that each of the 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 daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.**

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

06/11/2020

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,
METTUPALAYAM, COIMBATORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SIRUMUGAI POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S. C.RAMKUMAR Advocate on payment of necessary charges SR.NO.7361

CRL OP.16789/2020

Date :06/11/2020

TA-18/11/2020