



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/08/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7780 of 2020

1. Eluppadian
2. Lakshmi

... Petitioners/A-2 & A-3

Vs

The State rep. by
The Inspector of Police,
Ayyapuram Police Station,
Tirunelveli District
(Crime No. 92 of 2020).

... Respondent/Complainant

For Petitioners : M/s.S.Sathya Chidambaram,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 92 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners who are arrayed as A-2 & A-3 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 366, 376 of IPC and Sections 9, 10, 11 of Prohibition of Child Marriage Act, 2006 and Sections 6, 5(1) and 17 of Protection of Children from Sexual Offences Act, 2012, in Crime No.92 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners said to have arranged the marriage of the minor victim girl who was aged about 15 years, with A-1, without the knowledge of her parents. Hence, the complaint has been registered.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (criminal side).

4. The learned counsel for the petitioners would submit that the petitioners herein are parents of A-1 and they are relatives of the defacto complainant and the minor victim girl. He would further submit that due to previous enmity, the petitioners herein have falsely implicated by the respondent police. Hence, he seek anticipatory bail.

5. The learned Government Advocate (criminal side) would submit that the defacto complainant and the petitioners are relatives and the allegation against the petitioners is that they have arranged the marriage. He would further submit that, now the victim girl was secured.

6. Taking note of the above facts and circumstances of the case and that the petitioners have only arranged for the marriage and also taking note of the relationship of the petitioners with the victim and also the fact that the victim girl is also secured, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sankarankovil, Tenkasi District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

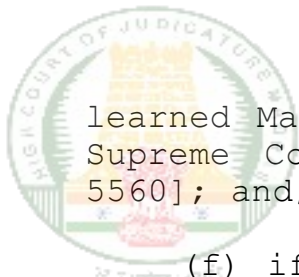
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police 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



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]; and;

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

sd/-
07/08/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
SANKARANKOVIL.
2. DO THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
AYYAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7780 of 2020
Date :07/08/2020

KSA
SRS/AKM/ SAR-II/ 14.08.2020/ 3P/5C