



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

Date : 16/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9295 of 2020

1.Mayandi
2.Selvi
3.Sekar
4.Pothumani
5.Katturaja
6.Ithayakani

... Petitioners/Accused
Nos. 2 to 7

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Uthamapalayam, Theni District.
Crime No.5 of 2020.

... Respondent/Complainant

For Petitioners : M/s.S.Muniyandi,
Advocate.

For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

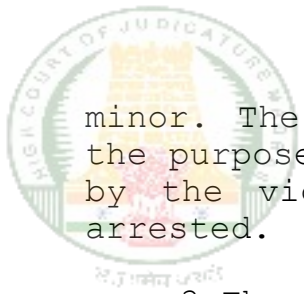
PRAYER :-

For Anticipatory Bail in Crime No.5 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.2 to 7, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 9, 10, 11 of Prohibition of Child Marriage Act 2006 and Sections 6, 7 of Protection of Children from Sexual Offences Act 2012, in Crime No.5 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first and second petitioners are parents of A-1, the third and fourth petitioners are parents of the de-facto complainant and the petitioners 5 and 6 are parents of A-1. The allegation is that the victim girl is a



minor. The petitioners said to have kidnapped the victim girl for the purpose of getting married to A-1. Based on the complaint given by the victim girl, the crime has been registered and A-1 was arrested.

3.The learned counsel appearing for the petitioners would submit that A-1 had fell in love with the victim girl and without the petitioners' knowledge, A-1 said to have married the victim girl. He would further submit that the petitioners have played no role in the alleged occurrence and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that all these petitioners said to have arranged for marriage of the victim girl against her wish. Based on the complaint given by the victim girl, the crime was registered.

5.I have perused the 164 Cr.P.C statement of the victim girl, it is seen that the victim girl fell in love with A-1 and without knowledge of their parents, they got married and A-1 had sexually intercourse with the victim girl and the petitioners have played no role and the victim girl on her own wish left her parental home and got married to A-1.

6.Considering the above facts and circumstances of the case and also considering the fact that there is no other serious allegation levelled against the petitioners, I am 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 on their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned District and Sessions Judge (Mahila Court) Theni (Mahalir Neethi Mandram), Theni, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two common 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 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]***; and;

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

sd/-
16/09/2020

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/ /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 DISTRICT AND SESSIONS JUDGE,
(MAHILA COURT) THENI,
(MAHALIR NEETHI MANDRAM), THENI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTHAMAPALAYAM, THENI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9295 of 2020
Date : 16/09/2020

SJI
TK/JC/SAR.4/18.09.2020/3P/4C