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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/09/2020

PRESENT

The Hon'ble Mr. Justice V.BHARATHIDASAN

CRL OP(MD) . No.9307 of 2020

1. Kombaiah
2. Rakku
3. Alagitchi
4. Manikandan
5. Nithya

... Petitioners/Accused Nos.1 to 5

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District
(Crime No. 12 of 2020).

... Respondent/Complainant

For Petitioners : M/s.V.Malaiyendran,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.12 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners are arrayed as Accused Nos.1 to 5, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 9 and 10 of the Prohibition of Child Marriage Act, in Crime No.12 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that, the victim girl is a minor aged about 16 years, The petitioners 1 and 2 are parents of the victim girl, the third petitioner is the husband of the victim



girl and the petitioners 4 and 5 are in-laws of the victim girl. At the instigation of A-1, A-2, A-4 and A-5, A-3 got married the victim girl. Hence, based on the complaint given by the District Social Welfare Officer, the case has been registered.

3. The learned counsel appearing for the petitioners would submit that the petitioners are close relatives and they only arranged for marriage and no marriage took place. Based on the wrong information, the case has been registered.

4. The learned Government Advocate (Crl.Side) appearing for the State would submit that the victim girl is a minor, at the instigation of the petitioners/A-1, A-2, A-4 and A-5, A-3 got married the victim girl. Hence, based on the District Social Welfare Officer, the case has been registered. Now the victim girl was secured and send to her parental home.

5. Considering the facts and circumstances of the case and as it is alleged that all the accused are relatives and they only arranged for marriage, also considering the fact that now the victim girl was secured and send to her parental home, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 Judicial Magistrate cum District Munsif Court, Thiruppuvanam, 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**



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

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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 CUM DISTRICT MUNSIF,
THIRUPPUVANAM, SIVAGANGAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANAMADURAI,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.V.MALAIYENDRAN, Advocate (SR-6304[I] dated 08/09/2020)

ORDER
IN
CRL OP(MD) No.9307 of 2020
Date : 07/09/2020

SJI
TE/JC/SAR-IV : 14/09/2020 : 3P/6C