



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

Date : 17/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9903 of 2020

1. Malaisamy
2. Muthu
3. Lakshmi
4. Lingammal

... Petitioners/Accused

Vs

The State through,
The Inspector of Police,
All Women Police Station,
Aundipatti,
Theni District
Crime No, 16/2020.

... Respondent/Complainant

For Petitioner : M/s.D.Malaichamy,
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. 16 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 9, 10 and 11 of Prohibition of Child Marriage Act, in Crime No.16 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the minor victim girl is aged about 15 years who is daughter of A-4. The allegation is that the petitioner Nos. 2 to 4 said to have arranged marriage for the victim girl with A-1 and the marriage said to have taken place on 24.08.2020 and on receipt of the information, the Social Welfare Officer has preferred a complaint.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons. He further submitted that the petitioners are relatives and the petitioners said to have arranged marriage for the victim girl with A-1 and based on a complaint given by the Social Welfare Officer the present case has been registered. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police, on instructions submitted that the victim girl is forcibly got married to the first accused and the other petitioners said to have arranged marriage for the victim girl with A-1.

6. Considering the fact and circumstances of the case and considering the fact that the parties are close relatives and it is submitted that they have only made arrangement for the marriage, hence, 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, Aundipatti, Theni 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/-
17/09/2020

/ 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, AUNDIPATTI,
THENI DISTRICT
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, AUNDIPATTI,
THENI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.D.MALAICHAMY Advocate SR.No.6470

ORDER
IN
CRL OP(MD) No.9903 of 2020
Date : 17/09/2020

KSA
PK/JC/SAR-2/23.09.2020 : 3P/6C