



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/09/2020

WEB COPY

PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD).No.10366 of 2020

1. JEEVA @ RAJARAM
2. PANJA @ PANJAVARNAM
3. PONRAJ
4. CHITHRA

... PETITIONERS/ACCUSED NO.1, 3, 4 & 5

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANAPPARAI, TRICHY DISTRICT.
CRIME NO.24 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioners: Mr. T. Vadivelan,
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.24 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1, A3, A4 & A5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 9, and 11 of Prohibition of Child Marriage Act 2006, in Crime No.24 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the 2nd petitioner/A3 is the mother of A1 and the petitioners/A4 and A5 are parents of the victim girl. The allegation is that the parents of the victim girl have made arrangement for the marriage of their daughter, who is aged about 16 years with A1 and the marriage took place on 27.08.2020. Based on the complaint given by one Social Welfare Officer, the complaint has been registered.



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 would submit that the petitioners are close relatives and they have only made engagement for the marriage, but no marriage has been taken place. He further submitted that after the registration of the case, the father of A1 died.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that the victim girl is a minor, who is aged about 16 years. The petitioners have arranged the marriage to the victim girl with A1 and the marriage took place on 27.08.2020.

6. Considering the facts and circumstances of the case and also considering the rival submission on either, the petitioners have only made engagement for the marriage but no marriage has been taken place and waiting for the victim girl to attain majority, this Court is inclined to grant anticipatory bail to the petitioners with 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, Manapparai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) with common surety 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 on 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 accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/09/2020

WEB COPY

/ 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,
MANAPARAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MANAPPARAI, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10366 of 2020
Date :25/09/2020

vsd
JM/PN/SAR I/30.09.2020/3P/5C