



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

Date : 30/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.10604 of 2020

1. Rajan
2. Pazhaniammal ... Petitioners/Accused

Vs

State of Tamil Nadu,
Rep.by the Inspector of Police,
All Women Police Station,
Kulithalai,
Crime.No.10 of 2020 ... Respondent

For Petitioners: M/S.J.Maria Roseline,
Advocate.

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

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

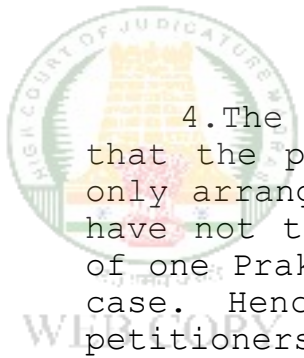
PRAYER :-For an Anticipatory Bail in Crime No.10 of 2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 and A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 9 and 10 of Child Marriage Restraint Act, 1929, and Sections 5(1) and 6 of Protection of Child from Sexual Offences Act, 2012, in Crime No.10 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are parent of the victim girl, who is aged about 14 years. On 16.09.2020, the petitioners said to have arranged marriage to the victim girl with her paternal aunt's son viz., Ramarajan, who is arrayed as A1, against her wish. After the marriage, A1 said to have sexually assaulted the victim girl. Hence, the present 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 parents of the victim girl and they have only arranging marriage to the victim girl and the marriage said to have not taken place. He further submitted that at the instigation of one Prakash, the petitioners have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners have arranged marriage to the victim girl with A1 against her wish. Hence, the present complaint.

6.Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, it is seen that the petitioners are parents of the victim girl and they have only arranged the marriage, Considering the above circumstances, 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 their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kulithalai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/09/2020

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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 JUDICIAL MAGISTRATE, KULITHALAI,
KARUR DISTRICT.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
 3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KULITHALAI.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1.CC. TO M/S.J.MARIA ROSELINE, Advocate in SR No.6773

ORDER
IN
CRL OP(MD) No.10604 of 2020
Date : 30/09/2020

VSG
PK/PN/SAR-1/05.10.2020 : 3P/6C