



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

Date : 03/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.12251 of 2020

1. Chellaiah
2. Esakkiyammal
3. Ramalakshmi

... Petitioners/Accused No.2,3 & 5

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Thiruchendur,
Thoothukudi District.
(Crime No.21 of 2020).

... Respondent/Complainant

For Petitioner : M/s.A.Thiruvadi Kumar,
Advocate.

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

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

PRAYER :-

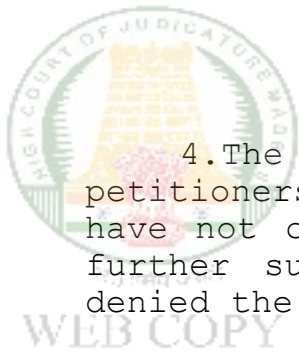
For Anticipatory Bail in Crime No.21 of 2020 on the file of the Respondent Police.

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 and 10 of the Prohibition of Child Marriage Act, 2006, in Crime No.21 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the parents of the victim girl aged about 16 years have arranged marriage for her on 10.10.2020 at 10.00. Hence, the Social Welfare Officer lodged 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 for the petitioners would submit that the petitioners are the parents of the boy and the victim girl. They have not committed any offence as alleged by the prosecution. He further submitted that the parties are closely related and they denied the allegation of marriage.

5. The learned Government Advocate (Criminal Side) would submit that the first and second petitioners are the parents of the boy and the third petitioner is the mother of the girl. First and fourth accused are absconding.

6.Taking into consideration of the facts and circumstances of the case and also taking into consideration of the fact that the petitioners are the parents of the boy and the girl, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Sathankulam on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 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 accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
03/11/2020

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, SATHANKULAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THIRUCHENDUR,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12251 of 2020
Date : 03/11/2020

TA
PK/SMA/SAR-III/05.11.2020 : 3P/5C