



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

Date : 26/11/2020

WEB COPY

PRESENT

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

CRL OP(MD). No.13422 of 2020

1. Kalimuthu
2. Pownrasathi
3. Saraswathi

... Petitioners/Accused No.2to4

Vs

The State rep. by
The Inspector of Police,
Ettayapuram Police Station,
Tuticorin.
Crime No.271 of 2020.

... Respondent/Complainant

For Petitioners: Mr.M.Murugesan,
Advocate.

For Respondent : M/s.M.AnanthaDevi,
Government Advocate (Criminal Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.271 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 to A4, apprehending arrest at the hands of the respondent police for the offences punishable under section 9 of Child Marriage Act, 2006, in Crime No.271 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused got married the victim minor girl, who is aged about 14 years. On the secret information received by the District Social Welfare Officer, the alleged marriage was conducted between A1 and the victim minor girl with the help of the petitioners. Hence, the present complaint.



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

4. The learned counsel appearing for the petitioners submitted that totally there are four accused, in which, the petitioners have been arrayed as A2 to A4. He further submitted that the petitioners 1 and 2 are the parents of the victim minor girl and the third petitioner is the mother of A1 and both of them are close relatives and they have arranged marriage for A1 with the victim minor girl. He further submitted that now the victim minor girl got pregnant and living happily with A1. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Criminal Side), appearing for the respondent Police submitted that on the complaint lodged by the District Social Welfare Officer, the case has been registered with allegations that the first accused got married the victim minor girl, who is aged about 14 years. She further submitted that the petitioners are being the parents of A1 and the victim minor girl and they have arranged marriage.

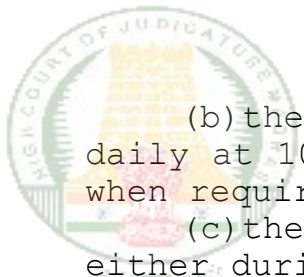
6. It is seen that totally there are four accused in this case, in which, the petitioners have been arrayed as A2 to A4 and A2 and A3 are the parents of the victim minor girl and A4 is the mother of A1. It is also seen that on the complaint lodged by the District Social Welfare Office, the case has been registered.

7. Considering the facts and circumstances of the case and also considering the fact that the petitioners are being the parents of A1 and the victim minor girl and there is no other serious allegation against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 No.II, Kovilpatti, Tuticorin District, 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

<https://hdservicescourts.gov.in/hdservices/> identity;



(b)the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, 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/-

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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 NO.II,
KOVILPATTI, THOOTHUKUDI DISTRICT.
2. -DO- THOROUGH: THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ETTAYAPURAM POLICE STATION, TUTICORIN.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.13422 of 2020

Date :26/11/2020

VSG

<https://hccs.eco.in/SdR/In/Case/06/12.2020/3P/5C>