



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

Date : 04/12/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.13621 of 2020

Durgaipandi

... Petitioner/Sole Accused

Vs

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

... Respondent/Complainant

For Petitioner : Mr.M.Murugesan, Advocate.
For Respondent : Mrs.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.271 of 2020 on the file of the Respondent Police.

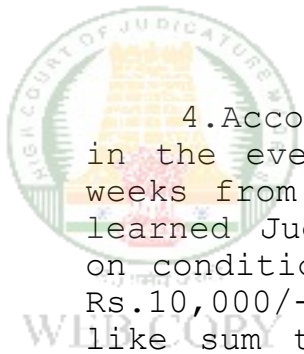
ORDER : The Court made the following order :-

The petitioner/sole accused apprehending arrest at the hands of the respondent police for the offences punishable under section 9 of the Child Marriage Act 2006 in Crime No.271 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The mother of the petitioner as well as the parents of the victim girl jointly filed an undertaking affidavit stating that till the victim girl attains the age of majority, the petitioner will not take her to the matrimonial home. The mother of the petitioner as well as the parents of the victim girl also filed an undertaking that they will provide education to the victim girl, if she wishes to study further. At the outset, the undertaking states that they will not commit any offence and protect the interest of the victim girl, till she attains the age of majority. Thereafter, she is at liberty to move as per her wish. The petitioner also undertakes that he will provide adequate funds to maintain the child also.

3.In view of the said undertaking, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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4. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his 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 petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 petitioner 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 petitioner shall report before the respondent police as and when required for interrogation; if any violation is noticed, then the respondent police is permitted to file petition for passing appropriate orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/12/2020

/ 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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1. THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI, TUTICORIN DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN 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.13621 of 2020

Date :04/12/2020

MS/PN/SAR-4/08.12.2020/3P.5C