



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

Date : 08/12/2020

PRESENT

WEB COPY

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

CRL OP(MD). No.14315 of 2020

1. Mariappan
2. Mariammal
3. Manikandan
4. Kala

...Petitioners/Accused No.2to5

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Srivilliputhur,
Virudhunagar District
Crime No.13/2020.

... Respondent/Complainant

For Petitioners : Mr.S.Mahendrapathy, Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Criminal Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.13 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

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

2.The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 10 and 11 of Child Marriage Act, 2006 @ Section 16 r/w. 17, 15(1) r/w. 6 of POSCO Act, in Crime No.13 of 2020 on the file of the respondent police, seek anticipatory bail.

3.The case of the prosecution is that on receiving secret information, Mrs.Rajeshwari, the Extension Officer Women (EO) Social Welfare went to the second and third petitioners' house and found that the first accused married the the victim girl, who is aged about 15 years. Hence, the complaint.

<https://hcservices.courts.gov.in/hcservices/> 4.The learned Government Advocate (Criminal Side) submitted



that the petitioners are close relatives of the first accused and the victim girl is aged about 15 years. Hence, he pray for dismissal of this anticipatory bail petition.

5.Considering the facts and circumstances of the case and the fact that the marriage was an arranged one, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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 Additional Mahila Court, Srivivilliuputhur, Virudhunagar 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, 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 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 JUDGE,
ADDITIONAL MAHILA COURT ,
SRIVIVILLIUPUTHUR, VIRUDHUNAGAR DISTRICT.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVILLIPUTHUR,
VIRUDHUNAGAR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.14315 of 2020

Date :08/12/2020

IAS

SRS/JC/SAR-III/11.12.2020/3P/4C