

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.02.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1938 of 2021

1.Senthil
2. Amsavalli
3. Thirumurthi

... Petitioners

Vs.

The Inspector of Police,
All Women Police Station,
Mayiladuthurai.
(Crime No.26 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to grant anticipatory bail to the petitioners in the event of arrest in Crime No.26 of 2020 on the file of the Inspector of Police, All Women Police Station, Mayiladuthurai.

For Petitioners: Mr.R.Senthilkumar

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offences under Section 506(1) and Section 10 of Tamilnadu Prohibition of Child Marriage Act, on the file of the respondent/Police in crime No. 26 of 2020, seek anticipatory bail.

2. Totally there are 4 accused in this case and the petitioners herein are A1 to A3. The first and second petitioners who are the parents of the minor victim girl were trying to perform child marriage to their daughter and she was missing from her house from 18.09.2020. The allegation is that the victim minor girl was abducted by one Sankar/A4 in order to get married with her. Hence the complaint.

3.The learned counsel for the petitioners would submit that A1 and A2 are the parents of the victim girl. He would further submit that only A4 in this case has kidnapped the minor girl and these petitioners have nothing to do with the alleged offence.

Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the detinue is a minor girl and her parents who are A1 and A2 in this case were trying to perform marriage with the third petitioner without the consent of the minor girl hence the crime was registered under Section 506(1) and Section 10 of Tamilnadu Prohibition of Child Marriage Act. Therefore, he opposed to grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also of the fact that the minor girl was abducted by A4 and these petitioners have nothing to do with the alleged offence, this Court is inclined to grant anticipatory bail to the petitioners with stringent conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate No.1,Mayiladuthurai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- each (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix thier 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229 A IPC.

-sd/-
08/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.I,
MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAGAPATTINAM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MAYILADUTHURAI.

+1 CC to M/S.R.SENTHILKUMAR Advocate on payment of necessary charges SR NO. 1396

CRL OP.1938/2021

Date :08/02/2021

WEB COPY

MN-22/02/2021