

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.2616 of 2021

Sivakumar

... Petitioner

-Vs-

The State Represented by
Inspector of Police,
Sirumugai Police Station,
Coimbatore District.
(Crime No.409 of 2020)

.... Respondent

Prayer: Criminal Original petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Crime No.409 of 2020 is pending on the file of the respondent police.

For Petitioner : Mr.C.Ramkumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act 2006, in Crime No.409 of 2020, on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant one shalini who is aged about 15 years. Further, the petitioner along with other accused persons had arranged the marriage of the minor girl with A1. Further, the defacto complainant stating that her willingness to continue her studies and to be stayed in a Government Home. Hence, the complaint was registered.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case. He would further submit that A1 has already been arrested and thereafter he was released on bail and some of the accused were granted anticipatory bail by this Court. He would further submit that there is no previous case pending as against the petitioner. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that that the defacto complainant one shalini who is aged about 15 years. Further, the petitioner along with other accused persons had arranged the marriage of the minor girl with A1. Further, the defacto complainant stating that her willingness to continue her studies and to be stayed in a Government Home. He would further submit that there is no previous case pending as against the petitioner.

5. Considering the facts and circumstances of the case and that there is no specific overt act attributed against the petitioner and there is no previous case pending as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court, Mettupalayam, 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 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 petitioner and the sureties shall affix his 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.

[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].

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
23/02/2021

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 COURT,
METTUPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SIRUMUGAI POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S.C.RAMKUMAR Advocate on payment of necessary charges
SR.No.2160

CRL OP.2616/2021

Date :23/02/2021

cs 01/03/2021