

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Friday, the Twenty Sixth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V.BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.5499 of 2021

1 M.POWNKUMAR [ PETITIONER / ACCUSED ]  
2 P.MURUGAN  
3 M.BHAVANI

Vs

STATE REP BY [ RESPONDENT ]  
THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION (AWPS),  
TIRUVANNAMALAI,  
TIRUVANNAMALAI DISTRICT.  
CRIME NO.03/2021

For Petitioners : M/S.M.KRISHNAMOORTHY Advocate

For Respondent : MR.S.KARTHIKEYAN Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

ORDER

The case has been heard through video conference

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 9 and 10 of The Prohibition of Child Marriage Act, 2005 and thereafter the sections were altered into under Section 9 and 10 of The Prohibition of Child Marriage Act, 2005 and 506(ii) of IPC, in Crime No.3 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2.The case of the prosecution is that A1 in this case married the minor girl aged about 16 years. Based on the complaint given by the District Social Welfare Officer, the crime has been registered and the second and third petitioners are the parents of A1.

3.The learned counsel for the petitioner would submit that the petitioners and the minor girl family are known to each other and without knowing the fact that she was a minor, the marriage was arranged, the marriage has on 08.02.2021 and both of them were living together. He would further submit that the petitioners are innocent

persons and they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that based on the complaint given by the Social Welfare Officer, the crime has been registered. He would further submit that A1 married the minor girl aged about 16 years. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, and the petitioners and the minor girl are known persons and it is stated without knowing the fact that the girl was minor, the marriage was arranged, and the parents of the girl also made an accused and there is no previous case pending as against the petitioners, this Court is 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 on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Principal District and Sessions Judge, Tiruvannamalai, on condition that the petitioners shall execute a separate 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 petitioners 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 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]**.

[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/-

26/03/2021

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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,  
TIRUVANNAMALAI.
2. THE PUBLIC PROSECUTOR,  
HIGH COURT, MADRAS.
3. THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION (AWPS),  
TIRUVANNAMALAI,  
TIRUVANNAMALAI DISTRICT.

CRL OP.5499/2021

Date :26/03/2021

TK/19.04.2021



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