

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6805 of 2021

1 T.VELMURUGAN  
2 V.JAGATHAMBAL

[ PETITIONER / ACCUSED ]

Vs

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

For Petitioner : M/S.M.KRISHNAMOOTHY Advocate

For Respondent : M/S.K.PRABAKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 9, 10 of prohibition of Child Marriage Act in Cr.No.3 of 2005 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioners are the father and mother of the victim girl, aged about 16 years viz.,Sivasakthi.The elders of the family members arranged marriage for the victim girl. on receiving the information, the respondent went to the petitioners house, they came to understand that the marriage got already solemnized. Therefore, the Social Welfare Officer lodged the complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner submitted that A1 had in love with the victim girl and a marriage was solemnized on 08.02.2021 by their parents. He would further submit that A1 and the victim girl are living together and that he has not committed any offence as alleged by the prosecution and hence, the counsel prays to grant this petition.

4.The learned Additional Public Prosecutor submit that totally there are 5 accused in this case. He further submitted that the petitioners are not produced the victim for enquiry and investigation is pending.

5.Considering the facts and circumstances of the case and that the petitioners are undertaken to produce the victim before the trial Court for enquiry till the disposal of the trial, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Principal District and Sessions Judge, Tiruvannamalai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- each (Rupees Ten Thousand Only) each, 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 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 Court concerned 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 daily at 10.30 a.m. For a period of two weeks and thereafter 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 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/-  
08/04/2021

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.

CC to M/S.M.KRISHNAMOOTHY Advocate on payment of necessary charges

CRL OP.6805/2021

Date :08/04/2021

cs 25/05/2021

WEB COPY