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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.11338 of 2021

R.Arunachalam

..Petitioner

-Vs-

The State Rep. By
The Inspector of Police,
All Women East Police Station,
Coimbatore.
(Cr.No.6 of 2021)

..Respondent

Prayer: Criminal Original petition filed under Section 438 of Cr.PC to enlarge the petitioner on bail in the event of his arrest in Crime No.6 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.K.Myilsamy

For Respondent : Mr.C.E.Pratap
Government Advocate (Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 9 of Child Marriage Act 2006 in Crime No.6 of 2021, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant, Who is a Village Administrative Officer, lodged a complaint that the victim girl, aged about 17 years, got married with A1.

3. The learned counsel appearing for the petitioner submitted that the petitioner and the victim girl are close relatives and on the date of occurrence, the petitioner and his family gathered in the victim girl's house for a family gathering. The victim girl also stated in 164 statement that she never married with the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate appearing for the respondent submitted that the occurrence happened on 14.09.2020 and the same was reported on 12.06.2021. Hence, the learned Government Advocate has serious objection to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and submissions made by the learned counsel and the fact that the victim girl has not stated any serious allegation in her statement as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 of receipt of a copy of this order, before the learned Judicial Magistrate Additional Mahila Court, Coimbatore, 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 and on further condition that:

(a) 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 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
12/07/2021

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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 ADDITIONAL MAHILA COURT,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN EAST POLICE STATION,
COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.11338/2021

Date :12/07/2021

CSK 26/07/2021