



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Ninth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.12226 of 2021

1 S. SAGAYARAJ
2 JESINTHA MARY

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
W-33, ALL WOMEN POLICE STATION,
PUZHAI, CHENNAI,
CRIME NO. 16 OF 2021

[RESPONDENT]

For Petitioner : M/S T.NIXON Advocate

For Respondent : M/S. C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest for the alleged offence under Sections 9 and 10 of Prohibition of Child marriage Act, 2006 and Section 6 of the POSCO Act in Crime No.16 of 2021 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that the daughter of the petitioners is a minor girl married one Jayakanthan who is the close relative and became pregnant. Thereafter when the victim girl went to hospital for delivering the child, the hospital authorities found that the girl was only 17 years old. Based on the complaint given by the hospital authorities the case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner and the said Jayakanthan are close relatives and they loved each other and got married and they are living together as husband and wife. Due to the wedlock a child was also born to them. He would further submit that only based on the complaint given by the hospital authorities the case came to be registered. Hence, he prays for grant of anticipatory bail to the petitioner.



4. Heard the learned Government Advocate (Crl.Side) appearing for the respondent.

5. Considering the facts and circumstances of the case and also the fact that the case came to be registered only on the complaint given by the hospital authorities and also considering the fact that the petitioner and defacto complainant are living together and a child was also born to them, this court is inclined to grant anticipatory bail to the petitioner 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 of receipt of a copy of this order, before the learned Mahilla Court, Thiruvallur on condition that each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (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 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]; and;

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



-sd/-
09/08/2021

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 MAHILA COURT
THIRUVALLUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 STATE REP BY
INSPECTOR OF POLICE, W-33, ALL WOMEN POLICE
STATION, PUZHAL, CHENNAI.

+1 CC to M/S T.NIXON Advocate on payment of necessary charges
SR.No.8317

CRL OP.12226/2021

Date :09/08/2021

APN 25/08/2021