



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.13814 of 2021

1. Ambika
2. Vallinayagam

.. Petitioners

Vs.

State rep by :
The Inspector of Police,
All Women Police Station (North),
Tiruppur, Tiruppur District.
(Crime No.11 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail pending investigation in Crime No.11 of 2021 on the file of the respondent police.

For Petitioners : Mr.G.Vinothkumar

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

ORDER

The petitioners who were arrested on 09.07.2021 and remanded to judicial custody for the offences under Section 9, 10 Prohibition of Child Marriage Act 2006 and also under Sections 5(1) and 6 of the Protection of Children from Sexual Offences Act, in Crime No.11 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners are the marriage brokers and they are arrayed as A2 and A3 in this case. The first petitioner is a real mother of the victim girl and the second petitioner is none other than the neighbour of the first petitioner. Further, the petitioners have performed the marriage between A1 and the victim girl and A1 got married the victim girl. Further, A1 has made sexual intercourse with the victim girl. Hence, the complaint.



3. The learned counsel for the petitioners submitted that the marriage was performed with the consent of the victim girl, and since the victim girl is a minor, the case came to be registered and there are no other allegations levelled against the petitioners. He further submits that the co-accused had already been granted bail by this Court in CrI.O.P.No.13292 of 2021 dated 02.08.2021. Hence he prays for grant of bail to the petitioners.

4. Heard the submissions made by the learned Government Advocate (CrI.Side).

5. This Court had perused the statement of the victim under Section 164 of Cr.P.C. which reveals that the victim, on her own volition went along with A1 and further, there is no specific overt act attributed against this petitioners and the victim girl has been secured, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on their executing 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 Magalir Neethimandram (Fast Track Mahila Court), Thiruppur, and on further condition that:

(a) the sureties shall affix their 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, daily at 10.30 a.m. until further orders;

(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.

WEB COPY

-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 MAGALIR NEETHIMANDRAM,
(FAST TRACK MAHILA COURT),
THIRUPPUR.

2 THE SUPERINTENDENT
SPECIAL FOR WOMEN PRISON, CENTRAL PRISON,
COIMBATORE.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION (NORTH) TIRUPPUR,
TIRUPPUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.13814/2021

Date :09/08/2021

APN 10/08/2021