



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Seventh day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15514 of 2021

1 GOPAL [PETITIONERS / ACCUSED]
2 MALLIGA
3 MURUGAN
4 SIVAJI
5 KARTHIKEYAN
6 DEEPA
7 MANISHA
8 SAVITHA

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION,
DHARMAPURI.
CRIME NO.311 OF 2021.

For Petitioner : M/S.ELANGO VAN 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 apprehend arrest at the hands of the respondent police for the alleged offence under Sections 9 and 11 of Child Marriage Restraint Act, 2006 altered into Sections 9 and 11 of Child Marriage Restraint Act, 2006 and Section 5(1) r/w 6 of POCSO Act, 2012 in Cr.No.311 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are alleged to have performed marriage of A1 with victim girl who is a minor aged about 17 years. Since the victim is a minor girl, the case came to be registered. The petitioners are arrayed as A3 to A10.

3.The learned counsel appearing for the petitioners would submit that the marriage between A1 and victim was performed with the consent of both side and since the victim is a minor the case came to



be registered and further submitted that there are no other allegations levelled against the petitioners.

4. Heard the submissions made by the learned Government Advocate.

5. This Court perused the statement of the victim girl recorded under Section 164 of Cr.P.C. There is no specific allegation made as against the petitioners. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

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 Judicial Magistrate, Palacode, on condition that the petitioners shall execute a 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/-
27/08/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY



TO

1 THE JUDICIAL MAGISTRATE,
PALACODE.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KARIMANGALAM POLICE STATION,
DHARMAPURI.

+1 CC to M/S.ELANGO VAN Advocate on payment of necessary charges
SR.NO.9252

CRL OP.15514/2021

Date :27/08/2021

TA-01/09/2021