

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Thirty First day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15607 of 2021

1 MURUGAMMAL

[PETITIONERS / ACCUSED]

2 PALANIAMMAL

3 DURAISAMY

4 RANI CHINNATHAMBI

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
MAHENDRAMANGALAM POLICE STATION,
DHARMAPURI DISTRICT.

CRIME NO.129/2021

For Petitioner : M/S.V.VASANTH Advocate

For Respondent : MR. 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 Section 9, 10 of Prohibition of Child Marriage Act, 2006 alias 9, 10, 11 of Prohibition of Child Marriage Act, 2006 r/w 5(1), 6 of POCSO Act, 2012 in Crime No.129 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were involved in child marriage. The petitioners are the relatives of the victim who is a minor (17yrs). After marriage, the victim along with her husband moved to Mysore. They came back to Erode after 4 months. Thereafter, the case was filed on behalf of the District Social Welfare officer. Then the victim along with her husband and her mother got implicated by the Erode Police officer. On further investigation, it was found that the victim was forced for the marriage due to the financial situation of her family. Thereafter, the girl was sent to the Women's Home. Hence, the case is registered against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. He also mentioned that the petitioners were not aware that the victim is a minor. However, on instructions, he further submits that the petitioners, without prejudice to their rights, are ready to abide any condition imposed by this Honourable court. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate submitted that the petitioners were involved in the child marriage and their presence was confirmed. The statement of the victim girl has been recorded under section 164 Cr.P.C. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. A perusal of the statement of the victim under section 164 Cr.P.C reveals that the petitioners are only relatives and there is no serious allegation made against the petitioners. In such circumstances this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) 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 Honourable District Mahila Court, Dharmapuri District, on condition that the petitioners shall execute 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 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:

(b) 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;

(c) 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;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

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

-sd/-
31/08/2021

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 DISTRICT MAHILA COURT,
DHARMAPURI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MAHENDRAMANGALAM POLICE STATION,
DHARMAPURI DISTRICT.

+1 CC to M/S.V.VASANTH Advocate on payment of necessary charges
SR.NO.9338

CRL OP.15607/2021

Date :31/08/2021

INBA 13/09/2021