



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Third day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15949 of 2021

1 RAJESH [PETITIONERS / ACCUSED]
2 DEVASAGAYAM
3 VINGULORIYA
4 RAMESH
5 SAKAYAM

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
W-29, ALL WOMEN POLICE STATION,
AVADI, THIRUVALLUR DISTRICT.
(CRIME NO.13 OF 2021)

For Petitioner : M/S. B.THIRUMALAI Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (CrI. 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 the Prohibition of Child Marriage Act, 2006 in Crime No.13 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused were involved in child marriage. The petitioners are the relatives of the victim girl who is a minor (16yrs). The defacto complainant contacted the Child Help Line a day before the marriage and informed about the marriage. She was rescued by the Social Welfare Officers before the marriage was held. Thereafter, the girl was sent to the Sevalaya Home by Child line. On further investigation, it was found that the victim girl/defacto complainant was forced into the marriage due to the poor health condition of her parents. 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 have not forced the victim girl for the marriage. 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 (Crl.Side) 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. This Court perused the statement of the victim under Section 164 Cr.P.C reveals that the petitioners are family members and there is no serious allegation made against them, since the marriage was prevented before it was held. In such circumstances this Court is inclined to grant anticipatory bail to the petitioners 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 Judicial Magistrate Court No-1, Poonamallee 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.

WEB COPY

-sd/-
03/09/2021

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 JUDICIAL MAGISTRATE NO-1,
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE, W-29,
ALL WOMEN POLICE STATION,
AVADI, THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. B.THIRUMALAI Advocate on payment of necessary charges

CRL OP.15949/2021

Date :03/09/2021

CSK 14/09/2021