



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventh day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16175 of 2021

1 M.KARUPAIYA [PETITIONERS / ACCUSED]
2 K.REVATHY
3 V.RAMAR
4 KALEESHWARI RAMAR

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
AWPS MADHAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.
CRIME NO.12 OF 2021

For Petitioners : M/S.R.RAMESH Advocate

For Respondent : MR.A.GOPINATH, 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 for the alleged offence under Sections 5(1) r/w 6 of POSCO Act 2012 and 9 & 10 of Prohibition of Child Marriage Act 2006 in Cr.No.12 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are in-laws and parents of the victim girl. They performed child marriage to the victim girl with the accused/A-1. Thereby, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submits that the petitioners were simply present at the time of marriage and except this allegation there was no allegation made against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) submits that the petitioners performed the marriage of the victim girl with accused/A-1. He further submits that the Statement of the victim U/s. 164 Cr.P.C has also been recorded.

5. This Court perused the Statement of the victim recorded U/s. 164 Cr.P.C, in which the victim has clearly stated that she married the accused/A-1 on her own volition and there is no material pointing to the complicity of the petitioners. Therefore, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

(a) Accordingly, petitioners are ordered to be released on anticipatory 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 District Munsif Court cum Judicial Magistrate Court at Gummidipundi, 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:

(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/A-2 and A-4 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 and the petitioners/A-3 and A-5 shall report before the respondent police 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/-
07/09/2021

WEB COPY

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 MUNSIF COURT CUM
JUDICIAL MAGISTRATE COURT AT GUMMIDIPUNDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
AWPS MADHAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.RAMESH Advocate on payment of necessary charges
SR.NO.9637

CRL OP.16175/2021

Date :07/09/2021

JPA 21/09/2021