



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16874 of 2021

1 NAAVAMMAL [PETITIONERS / ACCUSED]
2 ARUMUGAM
3 VENKATESAN
4 SUDHA

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GUMMUDIPOONDI,
THIRUVALLUR DISTRICT.
(CRIME NO.5 OF 2021)

For Petitioner : M/S. S.GOPI 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 punishable under Sections 5(j)(ii), 5(n) Read with Section 6 of the Protection Of Children from Sexual Offences (POCSO) Act, 2012 and Sections 9 & 10 of Prohibition of Child Marriage Act, 2012 and Sections 9 & 10 of Prohibition of Child Marriage Act, 2006 and Section 34 of Indian Penal Code, in Crime No.5 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners are the family members of the victim girl. They performed child marriage to the victim minor girl of age 14. Hence, the law enforcing agency registered a case against the petitioners.

3. The learned counsel appearing for the petitioners submits that the petitioners did not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.

4. The learned Government Advocate submitted that the petitioners performed child marriage to the victim girl. Hence, he opposed for grant of anticipatory bail to the petitioners .



5. This court perused the 164 statement. On perusal of 164 statement reveals that the victim girl on her own volition performed her marriage.

6. Considering the facts and circumstances of the case, no serious allegation was made against the petitioners. In fact they are the family members of A1. Hence, I am inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Mahila Court, Thiruvallur 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 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/-

15/09/2021

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

TRUE COPY



1 THE MAHILA COURT,
THIRUVALLUR.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GUMMUDIPOONDI,
THIRUVALLUR DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. S.GOPI Advocate on payment of necessary charges
SR.NO.10157

CRL OP.16874/2021

Date :15/09/2021

CSK 01/10/2021