



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Fourth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17772 of 2021

1 S.SANTHI [PETITIONERS/ ACCUSED]
2 P.SUBRAMANI

Vs

THE STATE REP BY ITS [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ATTUR, SALEM DISTRICT.
(CRIME NO. 9 OF 2021)

For Petitioner : M/S.E.C.RAMESH 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 for the alleged offence under Section 9 and 10 of Prohibition of Child Marriage Act, 2006 in Crime No.9 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the parents of A1. The petitioners along with other accused persons arranged the marriage of A1 with the victim girl who is a minor (17 yrs). Thereafter, the victim girl contacted the Child Line. Hence the victim girl was taken to CWC from where she was sent to TMSS. Hence, the law enforcing agency registered a case against the petitioners and other accused persons.

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 girl 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 for grant anticipatory bail to the petitioners.



4.The learned Government Advocate submitted that the petitioners along with other accused persons performed the marriage of the victim girl with A1 and their presence was confirmed. He further submits that 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 girl recorded under Section 164 Cr.P.C reveals that the petitioners are the parents of A1 and there is no serious allegation made against the petitioners. 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 Special Court for Trial of cases under POCSO Act, Salem 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/-

24/09/2021

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 SPECIAL COURT FOR TRIAL OF
CASES UNDER POCSO ACT,
SALEM.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ATTUR, SALEM DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.E.C.RAMESH Advocate on payment of necessary charges
SR.NO.10558

CRL OP.17772/2021

Date :24/09/2021

CSK 04/10/2021