



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18415 of 2021

S.SAKTHIVEL

[PETITIONER]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
POOLAMPATTI POLICE STATION,
SALEM DISTRICT.
(CRIME NO.415 OF 2020)

[RESPONDENT/COMPLAINANT]

For Petitioner :M/S.R.JAYAPRAKASH 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 petitioner, who apprehends arrest for the alleged offence under Section 9 & 10 of Prohibition of Child Marriage Act, 2006 read with Sections 5(1) & 8 of the Protection of Child from Sexual Offences Act, 2012 in Crime No.415 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant's daughter/victim girl and the petitioner loved each other and the victim girl eloped with the petitioner and got married on 19.10.2020 and stayed in Karnataka. The de-facto complainant along with relatives findings the whereabouts of the victim girl and the petitioner went to Karnataka and secured the victim girl. Thereafter there were compromise talks between the two families for the continuance of marriage between the petitioner and the victim girl. However violating the talks, the petitioner went to the house of the victim girl in a drunken state and abused her and her family in filthy language which resulted in the registration of the case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He also submitted that the victim girl and the petitioner loved each other and the de-facto complainant's daughter on her own volition eloped with the petitioner and married him and



that compromise talks were also held between the two families for continuance of the marriage. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate submitted that the petitioner threatened the victim girl to elope with him and to marry him. He further submits that the statement of the victim girl has been recorded under Section 164 Cr.P.C. Hence, he opposed to grant anticipatory bail to the petitioner.

5. A perusal of the statement of the victim girl recorded under Section 164 Cr.P.C reveals that the victim girl on her own volition had gone along with the petitioner and married him and there is no serious allegation made against the petitioner, except for the petitioner using abusive and filthy language and abusing the victim girl and her family. In such circumstances this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

(a) Accordingly, the petitioner is 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 District Munsif cum Judicial Magistrate Court at Edappadi on condition that the petitioner shall execute a 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 petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
04/10/2021

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 MUNSIF CUM JUDICIAL MAGISTRATE,
EDAPPADI.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
POOLAMPATTI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.R.JAYAPRAKASH Advocate on payment of necessary charges SR.NO.11046

CRL OP.18415/2021

Date :04/10/2021

CSK 20/10/2021