



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.19031 of 2021

1 J.MUNUSAMY
2 M.LAKSHMI

[PETITIONERS / ACCUSED]

Vs

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANCHEEPURAM.
CRIME NO.09 OF 2021.

[RESPONDENT]

For Petitioners : MR.B.HARISH, Advocate for
M/S.S.P.HARIKRISHNAN, Advocate

For Respondent : MR.N.S.SUGANTHAN, 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 at the hands of the respondent police for the alleged offences under section 511 of IPC r/w section 10 of Child Marriage Restrain Act, 1929 in Crime No.09 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the petitioners are the parents of the victim minor girl. It is alleged that the petitioners along with others attempted to perform marriage to the minor girl of age 15 with A1, who was already married and got separated. Hence the complaint was registered by the Law Enforcing Agency.



3.The learned counsel appearing for the petitioners submits that the petitioners are innocent parents of the minor girl and they are no way connected with the occurrence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that so far no marriage has been conducted to the minor girl. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Public Prosecutor submits that A1 already arrested and released on bail and the investigation has almost completed. However, he opposed grant of anticipatory bail to the petitioners.

5. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioners.

6.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 District Munsif Cum Judicial Magistrate Court, Uthramerur on condition that the petitioners 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:

(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 appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter 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/-
08/11/2021

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 CUM
JUDICIAL MAGISTRATE COURT, UTHRAMERUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANCHEEPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. S.P.HARIKRISHNAN Advocate on payment of necessary charges SR.NO.12542

CRL OP.19031/2021

Date :08/11/2021

JPA 16/11/2021