

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20299 of 2020

Elumalai

... Petitioner

Vs.

The state represented by
The Inspector of Police,
Thiruthuraipoondi Police Station
Thiruvarur District,
Tamil Nadu.(Crime No.350 of 2017). ... Respondent

Prayer : Criminal Original Petition filed under Section 438 of Cr.P.C to enlarge the petitioner on bail in the event of his arrest pending investigation in crime No.350 of 2017 on the file of the respondent police.

For Petitioner : Mr.L.K. Charles Alexander

For Respondent : Mr.S. Karthikeyan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 10 and 11 of prohibition of Child Marriage Act, in Crime No.350 of 2017, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that there are totally five accused in this case and the petitioner herein is A2. The allegation is that the petitioner's son married a minor victim girl, who is the daughter of the defacto complainant without the knowledge of the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner's son fell in love with the defacto complainant's daughter and thereafter the marriage took place. He would further submit that the petitioner's son was not aware of the fact that the victim girl is a minor. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally five accused in this case and A1 in this case is a close relative of the victim girl and the petitioner herein is well acquainted to the family of A1 and he is also aware of the facts of the case. Therefore, he opposed to grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also of the fact that the petitioner is only the father of the main accused, this Court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

6. Accordingly, the petitioner 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 on which the order copy made ready, before the Additional Mahila Court, Thiruvavarur 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229 A IPC.

-sd/-
25/01/2021

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 ADDITIONAL MAHILA COURT,
THIRUVARUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S.L.K.CHARLES ALEXANDER Advocate on payment of necessary charges

CRL OP.20299/2020

Date :25/01/2021

cs 05/02/2021

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