

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.20405 of 2020

K.Parasuraman

... petitioner

Vs.

State Rep. by

... Respondent

The Inspector of Police,
Thiruthuraipoondi Police Station,
Thiruvarur District,
Tamilnadu.
(Crime No.350 of 2017)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge Bail to the petitioner in the event of his arrest in Crime No.350 of 2017 pending investigation on the file of the respondent police.

For Petitioner : Mr.L.K.Charles Alexander

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence under Section 10 and 11 of the Prohibition of Child Marriage Act 2006, in Crime No.350 of 2017, seeks anticipatory bail.

2. There are totally five accused, the petitioner is ranked as A3. The prosecution case is that the victim girl aged about 16 years, who is the daughter of the defacto complainant was kidnapped by all the accused for getting her married to A1. Based on the complaint given by the father of the victim girl, a crime has been registered.

3.The learned counsel for the petitioner would submit that the main accused, i.e. A1 in this case was in love with the minor girl and both of them left their house and got married. The only allegation against the petitioner is that he arranged the marriage of the minor girl and minor girl. The petitioner is not aware of the

fact that girl is a minor and he has been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that A1 kidnapped the victim girl and got married her. The petitioner has arranged for the marriage. He would further submit that statement of the victim girl under Section 164 Cr.P.C was recorded and the investigation is pending.

5. Taking into consideration the facts and submissions made by the learned counsel of this case and also considering the fact that the main accused is A1 and the petitioner arranged the marriage without knowing that the victim girl is a minor, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 is made ready, before the learned 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their 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 55601

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

-sd/-

19/01/2021

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.

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

CRL OP.20405/2020

Date :19/01/2021

सत्यमेव जयते

MN-01/02/2021

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