



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.19111 of 2021

1.Mohanraj @ Ajith ... Petitioners
2.Thangamani
3.Rose
4.Sakthivel

Versus

State represented by, ... Respondent
The Inspector of Police,
All Women Police Station,
Chengalpattu,
Chengalpattu District.
(Crime No.9 of 2021)

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in connection with in Crime No.9 of 2021 on the file of respondent police.

For Petitioners : Mr.R.Sasikumar

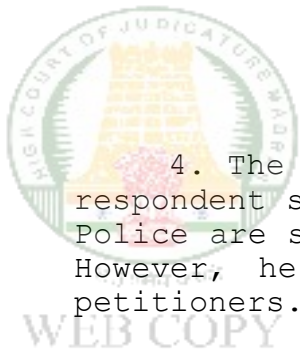
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 in Crime No.9 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that a complaint has been lodged by the Child Welfare Officer, Chengalpattu stating that the 1st petitioner married a minor girl, aged about 17^{1/2} years. And specific allegation against the 2nd and 3rd petitioners is that being mother and relative of 1st petitioner and 4th petitioner is the father of the victim girl, they performed the marriage. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the minor girl was eloped with another boy. Police are searching for the girl and investigation is still pending. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, parents of the boy and the girl were unnecessarily harassed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the **learned Judicial Magistrate Cum Additional Mahila Court, Chengalpattu**, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners 1 and 4 are directed to appear before respondent police every Sunday, at 10.30 a.m., until further orders;

[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]**.



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

-sd/-
23/11/2021

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 JUDICIAL MAGISTRATE,
CUM ADDITIONAL MAHILA COURT,
CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CHENGALPATTU,
CHENGALPATTU DISTRICT.

+1 CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges SR.NO.13304

CRL OP.19111/2021

Date :23/11/2021

TA-29/11/2021