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IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Friday, the Twenty Second day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19697 of 2021

1 SUDHA  
2 THAYAMANI

[ PETITIONERS / ACCUSED ]

Vs

STATE REP BY  
THE INSPECTOR OF POLICE,  
MORAPPUR POLICE STATION,  
DHARMAPURI DISTRICT  
(CRIME NO.80 OF 2021)

[ RESPONDENT ]

For PetitionerS : M/S C.PRABAKARAN, Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate ( Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest for the alleged offences under Section 9 and 10 of The Prohibition of Child Marriage Act, 366 of I.P.C., Section 5(1), 6(1), 7 & 8 of POCSO Act, in Crime No.80 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the second petitioner married the victim girl and the first petitioner who is a relative of the victim girl was present in the marriage function. It is alleged that after the marriage the victim girl eloped with A6. Based on the complaint given by the father of the victim girl the case was registered.



3.The learned counsel appearing for the petitioners submits that the petitioners did 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 to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that co accused enlarged on bail in Crl.O.P.No.16196 of 2021. However, he opposed grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering that co accused enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners 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 Judicial Magistrate Court, Harur, Dharmapuri District 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 shall affix his 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 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.

(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.

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-sd/-  
22/10/2021

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 JUDICIAL MAGISTRATE COURT,  
HARUR, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
DHARMAPURI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,  
MORAPPUR POLICE STATION,  
DHARMAPURI DISTRICT

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S C.PRABAKARAN Advocate on payment of necessary charges SR.NO.11630

CRL OP.19697/2021

Date :22/10/2021

JPA 29/10/2021