



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Second day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20745 of 2021

1 RAJINI

[PETITIONERS / ACCUSED]

2 SELVI @ KALAISELVI

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
MARANDAHALLI POLICE STATION,
DHARMAPURI DISTRICT.
CR.NO.367 OF 2021.

For Petitioner : M/S.K.GANDHI KUMAR Advocate

For Respondent : Mr.C.E.Pratap Government Advocate (Crl. Side)

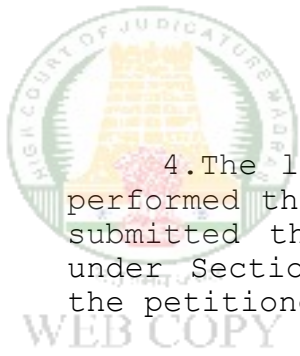
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Section 9, 10 of Child Marriage Act of 2006 @ u/s 5(i) r/w 6, 16(1) r/w 17 of POCSO Act u/s 9, 10 and 11 of the Child Marriage Act, 2006 in Crime No.367 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the victim girl is the daughter of the de-facto complainant. The petitioners along with other accused persons performed the marriage of the victim girl, who is a minor. Hence, the law enforcing agency registered a case against the petitioners and other accused persons based on the complaint lodged by the de-facto complainant.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. He further mentioned that the petitioners are only relatives of accused A2/mother of the victim girl and they were not aware of the age of the victim girl at the time of marriage. He also submitted that the victim girl on her own volition accepted for the marriage. Hence, he prays to grant anticipatory bail to the petitioners.



4.The learned Government Advocate submitted that the petitioners performed the marriage of the victim girl who is a minor. He further submitted that the statement of the victim girl has been recorded under Section 164 Cr.P.C. He opposed to grant anticipatory bail to the petitioners.

5.A perusal of the statement of the victim under Section 164 Cr.P.C reveals that the petitioners are only relatives of the victim girl and there is no serious allegation made against the petitioners. In such circumstances this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:-

(a) 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 learned Judicial Magistrate, Palacode, Dharmapuri District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only)each 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:

(b)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;

(c)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;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-

02/11/2021

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,
PALACODE, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
MARANDAHALLI POLICE STATION,
DHARMAPURI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.GANDHI KUMAR Advocate on payment of necessary charges sr.12384

CRL OP.20745/2021

Date :02/11/2021

RVR 17/11/2021