



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.21163 of 2021

1. Boobathi ... Petitioners
2. Anjalai
3. Elayaperumal
4. Gunasekaran

Versus

State Rep by ... Respondent
The Inspector of Police
Thittakudi Police Station,
Cuddalore District.
(Crime No.305 of 2021)

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.305 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.D.Ashok Kumar

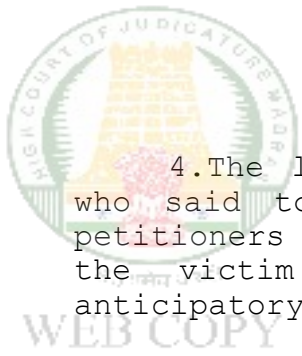
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

Order

The petitioners, who apprehends arrest for the alleged offences under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 in Cr.No.305 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that petitioner/A-2 is the mother of A-1, petitioner/A-3 is the mother of the victim girl, petitioner/A-4 is the maternal uncle of A-1 and petitioner/A-5 is the uncle of the victim girl. It is alleged that the petitioners have performed child marriage to the victim girl with accused/A-1. Thereby, the Social Welfare Officer lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that after the marriage of A-1 with the victim girl, accused/A-1 went to abroad. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl.side) submits that A-1, who said to marry the victim girl was still absconding and the petitioners herein are alleged to have performed child marriage to the victim girl. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the relationship between the parties, this Court inclined to grant anticipatory bail to the petitioners.

6.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, Thittakudi**, on condition that the petitioners 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:

(a)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;

(b)the petitioners shall report before the respondent police on every friday at 10.30 a.m. for a period of four 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 anticipatory 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.

-sd/-

15/11/2021

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.



1 THE JUDICIAL MAGISTRATE,
THITTAKUDI, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THITTAKUDI POLICE STATION,
CUDDALORE DISTRICT.

+1 CC to M/S.D.ASHOK KUMAR Advocate on payment of necessary
charges SR.NO.12825

CRL OP.21163/2021

Date :15/11/2021

TA-19/11/2021