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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.23179 of 2021

1.Anandan
2.Sujatha
3.Thulasi
4.Govindammal

... Petitioners

Vs.

State Rep. By
Inspector of Police,
All Women Police Station,
Thiruppathur,
Thiruppathur District.
Cr.No.13 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to grant anticipatory bail to the petitioners in the event of their arrest in crime No.13 of 2021 pending investigation on the file of the respondent.

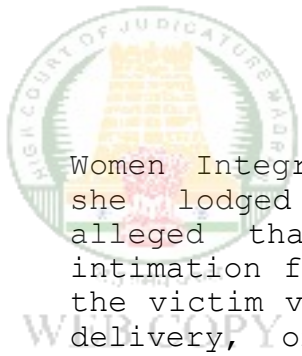
For Petitioners: Mr.E.Kannadasan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 11 of protection of Child Marriage Act and subsequently altered into Sections 4, 5(j)(ii) r/w 6 of Protection of Children from Sexual Offence Act and 9 & 11 of Protection of Child Marriage Act in Crime No.13 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 26.07.2021 the defacto complainant received an information through child help line 1098 about the child marriage performed by the above petitioners with their son and daughter on enquiry she came to know that the information received as true and the same was informed to Administrator of the



Women Integrated Service Centre on 31.07.2021. On their direction, she lodged a complaint before the respondent police. It is further alleged that on 02.11.2021 the respondent police received an intimation from the Doctor at B.M. Hospital, Thiruppathur stated that the victim viz., Lavanya (minor) was admitted in the Hospital for her delivery, on enquiry, the Doctor came to know that she is minor.

3.The learned counsel for the petitioners submits that petitioners are innocent persons and they were falsely implicated in this case. He further submits that the petitioners are ready to take care of the new born child. Therefore, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submits A1 was already remanded to judicial custody. He further submits that investigation was almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and the petitioners are ready to take care of the new born child and also the fact that the investigation was almost completed, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

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 No.2, Thiruppathur, on condition that each of the petitioners shall execute separate bonds 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 Magistrate / Trial Court 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 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;

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

-sd/-

03/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, THIRUPPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPPATHUR, THIRUPPATHUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. E.KANNADASAN Advocate on payment of necessary charges SR.NO.14056

CRL OP.23179/2021

Date :03/12/2021

RW 13/12/2021