



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24311 of 2021

1.Booma Devi
2.Gurubalan

...Petitioners

Versus

The State of Tamil Nadu represented by
The Inspector of Police,
W-18, All Women Police Station,
M.K.B.Nagar, Chennai - 600 039.
(Crime No.26 of 2021)

...Respondent

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 pending investigation in Crime No.26 of 2021 on the file of the respondent police.

For Petitioners : Mr.M.Mushtao Ahamed

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

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 9 of Prohibition of Child Marriage Act, 2006 in Crime No.26 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a member of Child Welfare Society at North Chennai and on 10.11.2021 while she was in duty, the staffs of DBAI Child Lane came and produced a Minor Girl namely Abhinaya aged 16 years, and the said Abhinaya appeared along with her marriage Saree, Metti in her legs fingers by wearing Mangal Sutra and upon enquiry the defacto complainant came to know that the said Abhinaya married the 2nd petitioner namely Gurubalan on 10.11.2021 at Nagathamman Koil, Sharma Nagar and the same marriage performed in the presence of Brides father namely Krishnamoorthy and his grandmother Boomadevi namely the 1st petitioner herein. Hence the respondent police registered the case in the above crime number against the 1st petitioner the



grandmother of the bride Abhinaya and the bride groom the 2nd petitioner herein along with the father of the bride Krishnamoorthy. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the 1st petitioner is the grandmother of both victim and the 2nd petitioner, since the victim girl has lost her mother and she was under the custody of the 1st petitioner. Since, due to her age she arranged marriage with the 2nd petitioner who is also close relative. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that at the time of marriage the victim girl was aged about 16 years and she is at home now. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the **learned X Metropolitan Magistrate, Egmore, Chennai**, 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 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 shall report before the respondent police on every Saturday at 10.30 a.m., until further orders and the 1st petitioner is directed to take care of the victim girl;

(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.

-sd/-
15/12/2021

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 METROPOLITAN MAGISTRATE,
NO.X, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W-18, ALL WOMEN POLICE STATION,
M.K.B. NGAR, CHENNAI-600 039.

+1 CC to M/S.M. MUSHTAO AHAMED Advocate on payment of necessary charges SR.NO.14902

CRL OP.24311/2021

Date :15/12/2021

TA-20/12/2021