



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.12.2021

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.Nos.24691 and 24738 of 2021

1. Purushothaman
2. Samanthi
3. Arjunan
4. Gowri
5. Kannan

... Petitioners in Crl.O.P.No.24691 of 2021

J.Ramesh Babu

... Petitioner in Crl.O.P.No.24738 of 2021

Versus

State Rep by
The Inspector of Police
All Women Police Station,
Polur, Thiruvannamalai District.
(Crime No.15 of 2021)

... Respondent in both Crl.O.P's

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.15 of 2021 pending investigation on the file of the respondent police.

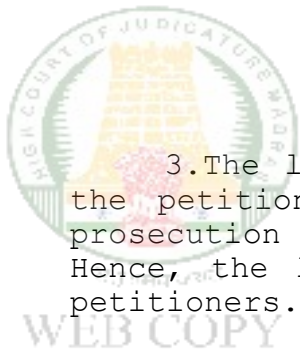
For Petitioners
in both Crl.O.P's :M/S.B.Jawahar

For Respondent
in both Crl.O.P's :Mr.A.Gokulakrishnan,
Additional Public Prosecutor

Order

The petitioners in both Crl.O.P's, who apprehend arrest for the alleged offences under Section 9 & 10 of Prohibition of Child Marriage Act 2006 in Cr.No.15 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners in Crl.O.P.No.24691 of 2021 were the parents of A1 and the victim girl and they were alleged to have performed child marriage to the victim girl with 1st petitioner/A1. The petitioner in Crl.O.P.No.24738 of 2021 was the proprietor of the marriage hall where the marriage of the victim girl with A1 was conducted. Thereby, the Social Welfare Officer lodged a complaint before the respondent police.



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. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Additional Government Advocate submits that the parents of the victim girl and the petitioner/A1 performed child marriage. He further submits that the investigation is completed. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that since the investigation is completed, there is no chance of absconding of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners in both Crl.O.P's with certain conditions.

6. Accordingly, the petitioners in Crl.O.P.Nos.24691 of 2021 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 Court, Vandavasi and the petitioner in Crl.O.P.No.24738 of 2021 is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Polur on condition that the petitioners in both Crl.O.P's 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/A1, A3 and A5 in Crl.O.P.No.24691 of 2021 and shall report before the respondent police on every Wednesday at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation and the petitioners/A2 and A4 shall appear before the respondent police as and when required for interrogation;

(*)(c)the petitioner in Crl.O.P.No.24738 of 2021 shall report before the respondent police 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 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;

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

-sd/-

17/12/2021

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.

(*) BEING MENTION ORDERED AS PER ORDER OF THIS COURT DATED 06/01/2022 FOR THE ORDER ALREADY DESPATCH ON 04/01/2022

TO

1 THE JUDICIAL MAGISTRATE,
VANDAVASI

2 THE JUDICIAL MAGISTRATE,
POLUR

3 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POLUR, TIRUVANNAMALAI DISTRICT.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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CC to M/S.B.JAWAHAR Advocate on payment of necessary charges

CRL OP.Nos.24691 and 24738 of 2021

Date :17/12/2021

RVR 29/12/2021

RVR 19/01/2022