



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2021

CORAM:

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

Crl.O.P.No.24689 of 2021

1.Shanmugam
2.Kavitha

.. Petitioners

Vs.

The State rep by
The Inspector of Police
Komarapalayam Police Station,
Namakkal District.
(Crime No.275 of 2021)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the the petitioners on bail in the event of their arrest in Crime No.275 of 2021 pending investigation on the file of the respondent Police.

For Petitioners: Mr.C.S.Saravanan
Dated:21/12/2021

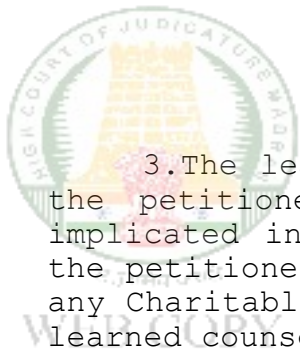
For Respondent: Mr.N.S.Suganthan
Government Advocate (Crl.Side)

MR.A.GOKULAKRISHNAN Additional Public Prosecutor
[CRL.MP.NO.444/2022 IN CRL.OP.NO.24689/2021]
Dated:20/01/2022

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 11 of Prohibition of Child Marriage Act 2006 and Sections 80, 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No. 275 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the husband of the defacto complainant sold her 5 month child to the petitioners for a sum of Rs.2,50,000/- without her consent and subsequently, the husband of the defacto complainant died and now, the defacto complainant wants to get back her child. Hence the complaint.



3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have been falsely implicated in this case. However, on instructions, he submits that the petitioners are ready and willing to pay a sum of Rs.15,000/- to any Charitable Institute as may be directed by this Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl side) submits that the baby was recovered and handed over to the mother of the baby/defacto complainant.. He further submits that there is no previous cases as against the petitioners. However, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Considering the fact that the and also the fact that the baby was recovered and handed over to the mother of the baby/defacto complainant and there is no previous cases as against the petitioners and also the fact that the petitioners have willfully and on their own volition agreed to contribute a sum of Rs.15,000/- for charitable purpose, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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, Komarapalayam** on condition that each of the petitioners shall execute 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 are directed to deposit a sum of Rs.15,000/- (Rupees Fifteen thousand only) to the Registered Advocate Clerks Association, Erode District, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

[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 first petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation and the second petitioner shall report before the respondent police as and 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 has been imposed and the petitioners are 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.

-sd/-
21/12/2021

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.

(*)Amended as per order of this Court dated 20/01/2022 made in CRL.MP.NO.444/2022 IN CRL.OP.NO.24689/2021.

TO

**(*)1 THE JUDICIAL MAGISTRATE
KOMARAPALAYAM.**

2 THE CHIEF JUDICIAL MAGISTRATE
KOMARAPALAYAM.

3 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL DISTRICT [FOR INFORMATION]

4 THE INSPECTOR OF POLICE,
KOMARAPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

5 THE REGISTERED
ADVOCATE CLERK ASSOCIATION,
ERODE DISTRICT.



6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.S.SARAVANAN
charges

Advocate on payment of necessary

CRL OP.24689/2021

Date :21/12/2021

CSK 04/01/2022

CSK 31/01/2022