



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

WEB COPY

CORAM:

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

CrI.O.P.No.24837 of 2021

1. C.Vijayakumar
2. Chandran
3. Pavalayi
4. Subramani
5. Sivagami

.. Petitioners

Vs.

State by Inspector of Police
All Women Police Station,
Sankagiri, Salem.
Crime No.20 of 2021

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of arrest in Crime No.20 of 2021 on the file of the respondent police.

For Petitioners : Mr.J.Franklin

For Respondent : Mr.A.Gokula Krishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 9, 10 and 11 of Prohibition of Child Marriage Act 2006 @ Sections 9, 10 and 11 of Prohibition of Child Marriage Act 2006 and 3 r/w 4 of POCSO Act, 2012 in Crime No.20 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage was solemnized between first petitioner/A1 with the minor victim girl in the presence of their parents. Based on the complaint made by the defacto complainant who is working as District Welfare Officer (incharge) Salem, the respondent police registered a case as against the petitioners and the said victim girl was secured and to Government Home.



3.The learned counsel appearing for the petitioners submits that the first petitioner/A1 and the minor victim girl are lovers and on 15.11.2021 the marriage was solemnized between first petitioner/A1 with the minor victim girl in the presence of their parents. Now the victim girl was secured by the respondent police. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor on instructions submits that the investigation was completed. He further submits that the statement of the victim girl under Section 164 of Cr.P.C was recorded.

5. A perusal of 164 statement reveals that the petitioners and victim girl are close relatives. The first petitioner/A1 and the minor victim girl are lovers and on 15.11.2021 the marriage was solemnized between first petitioner/A1 with the minor victim girl in the presence of their parents.

6. Considering the submissions made by both counsel and the investigation was almost completed and also perused the 164 Statement of the victim girl reveals that there was no serious allegations levelled against the petitioners, 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-II, Sankari, 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 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 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 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;

(f) 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

TRUE COPY

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

TO

1 THE JUDICIAL MAGISTRATE-II,
SANKARI.

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

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SANKAGIRI, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.J.FRANKLIN Advocate on payment of necessary charges
SR.NO.15097

CRL OP.24837/2021

Date :17/12/2021

CSK 27/12/2021