



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 08/01/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.239 of 2021

1. Kamaraj
2. Karuppaiah
3. Vairamuthu
4. Kasthuri
5. Vanakodi

... Petitioners/Accused No.1 to 5

Vs

State Rep. by
The Inspector of Police,
All Women Police Station,
Virudhunagar District.
Crime No. 19/2020.

... Respondent/Complainant

For Petitioner : M/s.Jeyakumar.B,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory bail in Crime No. 19/2020 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/accused Nos.1 to 5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006 I.P.C., in Crime No.19 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The gist of the case is that the petitioners are family members and on 12.11.2020, the *de facto* complainant got a secret information from anonymous phone call through child help line that the victim girl, Krishnapriya, aged about 15 years, daughter of the 3rd and 4th petitioners, was given in marriage to the 1st petitioner, son of the 2nd and 5th petitioners on 18.10.2020. Subsequent to the information, the *de facto* complainant visited the petitioners' house



and secured the victim girl and produced her before the District Welfare Officer and thereafter, she was sent to a Home at Virudhunagar and therefore, the case came to be registered.

3.The petitioners submit that the prosecution case is false and the 2nd and 5th petitioners are none other than the grand father and grand mother of the victim girl. Further the 1st petitioner is maternal uncle of the victim girl. The girl used to stay in her grandparents house during holidays. Taking advantage of the same, someone had made anonymous call and the *de facto* complainant without even ascertaining the truth and without even collecting a single piece of evidence, has lodged a false complaint in a hurried manner. Further, the girl was produced before the learned Judge, Mahila Court and her statement under Section 164(4) CrPC was recorded, wherein she has clearly deposed that no such alleged marriage had taken place and she is continuing her studies. Therefore, the petitioners are falsely implicated in this case, based on a false complaint on the basis of the anonymous call.

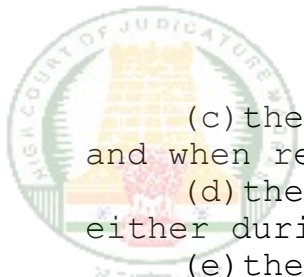
4.The learned Government Advocate (Crl Side) submitted based on the complaint lodged by the *de facto* complainant that the victim girl being a minor was married to the 1st petitioner by the petitioners and therefore, the case came to be registered and subsequently, the girl was also produced before the learned Judge, Mahila Court and However, in the 164(4) statement he has clearly stated that she has not married any one and a false case has been registered.

5.Considering the submissions made on either side and perusing the 164 CrPC statement of the victim girl, it is seen that it is stated by the girl herself that she has not been married and based on an anonymous call, the *de facto* complainant had lodged the complaint and now the victim is continuing her studies and the petitioners are close relative and family members, I am inclined to grant anticipatory bail to the petitioners.

6.In the view of the above, I am inclined to grant anticipatory bail to the petitioners.

(a)Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance before the learned Judge, Additional Mahila Court, Srivilliputhur, Virudhunagar District and on his executing 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 learned Magistrate concerned.

(b)the petitioners and 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 the identity;



(c)the petitioners 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 petitioner 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;

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

sd/-

08/01/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDGE,
ADDITIONAL MAHILA COURT,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.JEYAKUMAR.B, Advocate SR.No.244

ORDER

IN

CRL OP(MD) No.239 of 2021

Date :08/01/2021

dsk

<https://hcsn/cse/records/prov.in/hcs/services/01/IN/2021/3P/5C>