



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

Date : 01/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)Nos.2329 & 2336 of 2021

1.Annathai
2.Paneer Selvam
3.Thangaselvi

...Petitioners/Accused
No.A2 to A4

IN CRL OP(MD)No.2329 of 2021

Jebakani

...Petitioners/Accused No.1
IN CRL OP(MD)No.2336 of 2021

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Kovilpatti,
Thoothukudi District.
Crime No.1 of 2021.

... Respondent/Complainant
in Both Petitions

For Petitioners : Mr.S.P.Veerapandi, Advocate.
IN CRL OP(MD)No.2329 of 2021

For Petitioner : Mr.A.S.Vaigunth Advocate.
IN CRL OP(MD)No.2336 of 2021

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)
in Both Petitions

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

PRAYER :-

AB.For Anticipatory Bail in Crime no.1 of 2021 on the file of
the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 to A4 & A1, who apprehend arrest at the
hands of the respondent police for the offences punishable under
Sections 9,10 and 11 of Prohibition of Child Marriage Restraint Act,
2006, in Crime No.01 of 2021, on the file of the respondent Police,
seek anticipatory bail.



2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

3. The case of the prosecution is that on 01.02.2021, A1 married the victim girl, who is aged about 15 years. A2 to A4 are in-laws. The marriage was informed by some persons to the Social Welfare Officer on 07.02.2021, who in turn, reported the same to the respondent police on 07.02.2021. Hence, the case.

4. The learned counsel for the petitioners would submit that the petitioners family and the victim family are close relatives and they had cordial relationship with each other. Further, A5 fell in love with the victim girl. Since the victim is aged about 15 years, both the family members decided to solemnize the marriage after the victim girl attaining the majority. But the respondent police without conducting proper investigation, simply registered the case against the petitioners. Hence, the learned counsel for the petitioners prayed for the relief of anticipatory bail to the petitioners.

5. The learned Government Advocate(Crl.Side) would submit that on 01.02.2021, A1 married the victim girl, who is aged about 15 years. A2 to A4 are in-laws. The marriage was informed by some persons to the Social Welfare Officer on 07.02.2021, who in turn, reported the same to the respondent police on 07.02.2021. Now, the victim girl is in her parents' house. The investigation is under progress.

6. It is seen that A1 / Jabakani and the victim girl fell in love with each other, which was opposed by their parents. Despite the same, taking advantage of their relationship, they continued to move various places. Further, the victim girl threatened her mother that if she is not given in marriage to the Jabakani, she would end her life. Fearing for the same and as per the family customs, with the consent of elders and relatives, a formal ceremony has been conducted between Jabakani and the victim girl. Now, the victim girl is with her mother and she is continuing her education and it has been decided by her family members that the marriage function would be held after the victim girl attained the majority.

7. Taking into consideration the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kovilpatti, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Ten thousand only) with two sureties each for a like sum to



the satisfaction of the respondent Police or to 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 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 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 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/-
01/03/2021

/ TRUE COPY /

/ /2021
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 JUDICIAL MAGISTRATE,
KOVILPATTI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.



3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KOVILPATTI,
THOOTHUKUDI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP (MD) Nos.2329 &
2336 of 2021
Date :01/03/2021

MPK
TK/PN/SAR.1/04.03.2021/4P/5C