



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/03/2021

WEB COPY

PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2718 of 2021

1. Kodeeswaran
2. Rasu
3. Aarumugam
4. Ammavasai
5. Parameswari

... Petitioners/Accused No.1 to 5

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Tallakulam,
Madurai.
(Crime No.10 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Porkodi Karnan for
M/s.Polax Legal Solutions

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.10 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A5, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, in Crime No.10 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that a child marriage was being performed between the first petitioner and the victim minor girl, viz., Amudha, who is aged about 15 years with the help of the petitioners 2 to 5. Hence, the present complaint.



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

4. The learned counsel appearing for the petitioners submitted that first petitioner is the husband of the victim minor girl. The second and third petitioners are the parents of the first petitioner and the petitioners 4 and 5 are parents of the victim girl. He further submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the first petitioner and the victim minor girl fell in love with each other. Hence, he prayed for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the first petitioner is the husband of the victim minor girl.

6. It is seen that the first petitioner is the husband of the victim minor girl. The petitioners 2 and 3 are the parents of the first petitioner and the petitioners 4 and 5 are the parents of the victim minor girl. The victim minor girl had given statement stating that on 27.01.2021, with consent of her and her parents, relatives and elders of the family members, the marriage has been held between the first petitioner and the victim minor girl. The first petitioner is none other than maternal uncle of the victim minor girl. It is also seen that the parents of the victim girl are uneducated and rustic villagers. The school authorities had entered the date of birth on their own. According to the parents of the victim girl, the victim girl is a major and the marriage was conducted with the blessings and concurrence of the parents of the first petitioner and the victim girl in a temple as per their custom and their relatives and villagers participated and blessed the couples.

7. Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, the petitioner is the husband of the victim girl and they are living happily, 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 two weeks from the date of receipt of a copy of this order, before the Additional Mahila Court, Madurai, on condition that the petitioners shall execute 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 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/03/2021

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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, MADURAI.

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TALLAKULAM, MADURAI.

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

+1 CC to M/s.POLEX LEGAL SOLUTIONS, (SR-1911[I] dated 09/03/2021)

ORDER IN

CRL OP(MD) No.2718 of 2021

Date :08/03/2021