



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/06/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.7962 of 2021

1. Karuthaklagan
2. Ramasamy
3. Panaiyammal

... Petitioners/Accused Nos.2 to 4

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
(Crime No.19 of 2021).

... Respondent/Complainant

For Petitioners : Mr.Ramu.M, Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.19 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 366 of I.P.C and Sections 9, 10 of Prohibition of Child Marriage Act, 2006 and Section 5(1) r/w 6 of Protection of Child from Sexual Offences Act, 2012, in Crime No.19 of 2021 seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant namely Uma, wife of the first petitioner preferred the complaint alleging that her minor daughter aged about 15 years was forced to marry one minor namely Andi on 23.04.2021 with the help of the petitioners. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the 1st petitioner is the father of the victim and petitioners 2 and 3 are the grandparents of the victim. Due to misunderstanding between the defacto complainant and the first petitioner, the defacto complainant living separately with her minor daughter. He further submitted that the petitioners are uneducated persons and they are poor and coolie workers. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (criminal side) would submit that so far four witnesses were examined and investigation is pending. Therefore, he opposes to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the fact that so far four witnesses were examined and the fact that the petitioners are family members of the defacto complainant and they are coolie workers, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate, Melur, within a period of fifteen days from the date of resumption of regular work in subordinate Courts, on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) each with two sureties each for a like sum to the satisfaction of the said Magistrate and on further condition that:

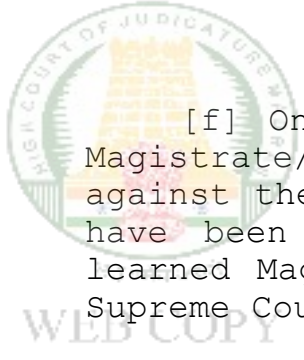
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners are directed to deposit a sum of Rs.1,000/- **(Rupees One Thousand only) each to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172)**, within a period of two weeks without prejudice to their rights and contentions before the trial Court;

[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 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]**;

[g] If the accused/petitioners thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
23/06/2021

/ 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, MELUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MELUR, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:-

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND,
SECRETARIAT, CHENNAI-9

+1 CC to Mr.M,RAMU, Advocate (SR-4164[I] dated 25/06/2021)

ORDER IN
CRL OP(MD) No.7962 of 2021
Date :23/06/2021