



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

Date : 05/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.8329 of 2021

1. Ramachandran
2. Kairappan
3. Loganathan

... Petitioners/Accused No.1 to 3

Vs

State Rep.by
The Inspector of Police,
Vadamadurai All Women Police Station,
Dindigul District.
Crime No.8 of 2021.

... Respondent/Complainant

For Petitioners: Mr.S.Kameswaran,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 8 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 Sections 9, 10, 11 of Prohibition of Marriage Act, 2006 in Crime No.8 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant, who is the Extension Officer at Kujiliyamparai Union, lodged a complaint alleging that child marriage between minor Nagalakshmi and Ramachandran had been taken place on 10.05.2021 at Vedasanthur Kunguma Kaliyamman Temple. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. It is further submitted that the first petitioner and the minor girl loved each other and the minor girl already sent a representation to the District Collector and the Superintendent of Police stating that there is no willful activity



on the part of the accused. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed and this is a case of child marriage.

5.Perusal of Section 164 Cr.P.C., statement of the victim girl shows that she was in love with the first petitioner and on her own will and volition she left her home and went along with the first petitioner. When it came to knowledge to the elders of the family, they advised them by stating that it is not the correct age to marry and they will arrange marriage when she attains majority. The victim girl is now staying in her parents house. It is alleged that the marriage was stopped before tying of "Thali".

6.Even though several legal measures had been taken, the child marriage is taking place. In this case, there is no specific allegation that the first petitioner had sexual intercourse with the victim girl and this case was registered only under the Child marriage Act. Therefore, 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 Court, Vedachandur, Dindigul District on condition that the petitioners shall execute a bond 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 am., until further orders.

[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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

05/07/2021

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

ORDER

IN

CRL OP(MD) No.8329 of 2021

Date :05/07/2021

GNS

MS/RSK/SAR-3/07.07.2021/3P.5C