



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

Date : 02/07/2021

PRESENT

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The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8683 of 2021

1. R.Periysamy
2. P.Kamatchi
3. S.Selvam
4. S.Kanthamani ... Petitioners 1 to 4/Accused No.2 to 5

5. P.Ravi ... 5th Petitioner/Accused
Rank Not Known

Vs

State Rep. by
The Inspector of Police,
All Women Police Station,
Karur, Karur District.
(Crime.No. 6 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Mathiyalagan.R., 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.6 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 and 10 of Prohibition of Child Marriage Act, 2006 in Crime No.6 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the accused had performed the child marriage between the victim girl Shalini, aged 16 years and the first accused Karthik on 03.06.2021 in the house of Sankar at Indhra Nagar, Pasupathipalayam. This case was registered on the basis of the complaint given by Saraswathi, Social Welfare Officer, Thanthoni Union, Thanthoni, Karur District. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they are falsely implicated in this case. It is his further submission that A1 and A6 had been arrested and released on bail. Therefore, he seeks anticipatory bail for the petitioners.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police opposed this petition on the ground that investigation is still pending.

5. It is a case of child marriage. The main accused namely, Karthik, was arrested and then released on bail. The petitioners are the parents of the first accused and the victim girl. Considering the fact that the main accused was arrested and released on bail and that the material part of the investigation is over, this Court is inclined to grant anticipatory bail to the petitioners.

6.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 Additional Mahila Court, Karur 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/-
02/07/2021

/ 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.

WEB COPY

TO

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

ORDER
IN
CRL OP(MD) No.8683 of 2021
Date :02/07/2021

mbi
JM/JC/SAR I/06.07.2021/3P/4C