



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.07.2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No. 9128 of 2021

1.Rangasamy
2.Vadivel @ Vadivelu
3.Backiyalakshmi

Vs

... Petitioners/Accused No.1,2,3

The State Represented by,
The Inspector of Police,
All Women Police Station,
Karur.

Crime No.8 of 2021

... Respondent/Complainant

For Petitioners : Mr.N.Anandakumar

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 and 10 of Prohibition of Child Marriage Act, 2006 in Crime No.8 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 16.06.2021, at about 03.00 am, marriage between the first accused and the victim girl, who is minor had taken place at Perumal Temple, Parappathurai. This case is registered, based on the complaint given by Kalyani, Rural Welfare Officer (Women), Aravakurichi Taluk, Karur District under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006.



3.The learned counsel for the petitioners submitted that no marriage had taken place and only preliminary talk was conducted. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) opposed this petition on the ground that this is a case of child marriage. He also produced a copy of Section 164 Cr.P.C. statement of the witnesses.

5. It is seen from the Section 164 Cr.P.C. statement, that the victim girl and the first accused were in love with each other and they got married on 16.06.2021. This is a case of child marriage. The victim girl herself says that she was in love with the first accused. Taking into consideration, the facts and circumstances of this case, this Court is of the view that custodial interrogation of the petitioners is not necessary and hence, 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 Judicial Magistrate, Aravakurichi 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 1 and 2 shall report before respondent police daily at 10.30 am., until further orders. The third petitioner shall report before respondent police as and when required.

[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/-
14/07/2021

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

ORDER
IN
CRL OP(MD) No.9128 of 2021
Date :14/07/2021

MBI
SS/JC/SAR-I/15.07.2021 : 3P/5C