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CRL OP(MD)No.9234 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/08/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.9234 of 2021

Vijay

... Petitioner/Sole Accused

Vs

The State Rep. by,
The Inspector of Police,
All Women Police Station,
Kulithalai,
Kaur District.
(Crime No. 07 of 2021).

... Respondent/Complainant

For Petitioner : Mr.A.Thiruvadi Kumar,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.7 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 9 of the Prohibition of Child marriage Act, 2006 in Crime No.07 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 14.06.2021, at about 05.00 am., the petitioner married the minor girl, who is aged about 15 years. Therefore, the present case came to be registered based on the complaint given by the Social Welfare Officer.

3.The learned counsel for the petitioner submitted that the

<https://hcservices.ecourts.gov.in/hcservices/>



petitioner is an innocent person and he has been falsely implicated in this case.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioner herein married the minor girl and this case came to be registered on the complaint of the Social Welfare Officer. He also produced statement of the victim girl recorded under Section 164 Cr.P.C.

5.In the statement recorded under Section 164 Cr.P.C., the victim girl stated that her family members took her to the temple for pooja and there was no marriage taken place between her and the petitioner.

6.Considering the facts and circumstances of the case and also considering the statement of the victim girl under Section 164 Cr.P.C., this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kulithalai, on condition that the petitioner 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 learned Magistrate concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

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

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
06/08/2021

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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 JUDICIAL MAGISTRATE NO.I,
KULITHALAI, KARUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KULITHALAI, KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.A.THIRUVADI KUMAR, Advocate (SR-5196[I] dated 9/8/2021)

ORDER
IN
CRL OP(MD) No.9234 of 2021
Date :06/08/2021

gns
USK/JC/SAR-II : 18/08/2021 : 3P/6C