



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

Date : 06/08/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.9625 of 2021

K.Palanisamy

... Petitioner/Sole Accused

Vs

The State rep.by
The Sub Inspector of Police,
All Women Police Station, Kulithalai,
Karur District
(Crime No.13 of 2021).

... Respondent/Complainant

For Petitioner : Mr.B.SARAVANAN,
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.13 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.13 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that on 27.11.2020, the petitioner herein married one minor girl, who is aged about 15 years. Therefore, the present case came to be registered based on the complaint preferred by the Social Welfare Officer.

3.The learned counsel for the petitioner submitted that the 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 when the victim girl produced before the learned Judicial Magistrate, for the purpose of recording



her statement under Section 164 Cr.P.C., she has stated that she had an affair with the petitioner.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner and the statement of the victim girl recorded under Section 164 Cr.P.C., wherein she had stated that she had an affair with the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.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-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 as and when required.

[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

/ 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.

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



TO

- 1.THE JUDICIAL MAGISTRATE NO.I, KULITHALAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3.THE SUB 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.B.SARAVANAN, Advocate SR.No.5206

ORDER

IN

CRL OP(MD) No.9625 of 2021

Date :06/08/2021

SA/VR/SAR.1/18.08.2021/3P/6C