



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/07/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9689 of 2021

1. Tamilselvi
2. Govindaraj
3. Varuthammal

... Petitioners/Accused Rank Not Known

Vs

The State rep.by
The Inspector of Police,
All Women Police Station, Theni,
Theni District.
Crime No. 18 of 2021

... Respondent/Complainant

For Petitioner : Mr.N.SELVAKUMAR, Advocate.

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

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

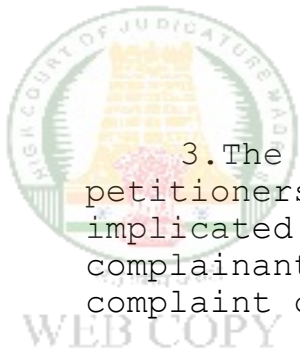
PRAYER :-

For Anticipatory Bail in Crime No.18 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 the Prohibition of Child Marriage Act, 2006 and Sections 6, 17 of the Protection of Children from Sexual Offence Act, 2012 in Crime No.18 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant, his brother and his parents are living in Allinagaram. The defacto complainant's brother's wife Tamilselvi took her elder daughter, who is the victim in this case, to Kumanantholu Theiventhrapuram for her studies. Due to corona period, the defacto complainant and his brother could not visit them. Taking advantage of the same, the first petitioner herein gave her minor daughter to marriage to her brother Rangaraj, who is already married. 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. There is no love lost between the defacto complainant's brother Sivakumar and A1 and hence, the present false complaint came to be preferred.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that minor girl was given marriage to a person, who is 31 years and already married man.

5.Taking note of the nature of the offence where a minor girl said to have been given in marriage to a married man by her own mother, this Court is not inclined to grant anticipatory bail to the first petitioner and this petition is dismissed against the first petitioner.

6.Considering the fact that the petitioners 2 & 3 are grand parents, this Court is of the view that their custodial interrogation is not necessary. Therefore, this Court is inclined to grant anticipatory bail to the petitioners 2 & 3.

7.Accordingly, the petitioners 2 & 3 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 Mahila Court, Theni District on condition that the petitioners 2 & 3 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:

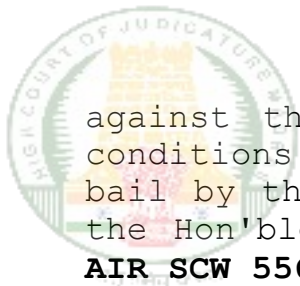
[a]the petitioners 2 & 3 and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b]the second petitioner shall report before respondent police daily at 10.30 am., until further orders and the third petitioner shall report before the respondent police as and when required.

[c]the petitioners 2 & 3 shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners 2 & 3 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 2 & 3 in accordance with law as if the conditions have been imposed and the petitioners 2 & 3 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]**.

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

sd/-

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

ORDER

IN

CRL OP(MD) No.9689 of 2021

Date :27/07/2021

SA/VR/SAR.4/30.07.2021/3P/4C