



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

Date : 26/08/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.10089 of 2021

1.Elangovan
2.Selvi
3.Kannan
4.Priya Lakshmi @ Laksmi ... Petitioners/Accused Nos.2,3 & 4

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Theni District.
Crime No.16 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.GOKUL,
Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.16/2021 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, A3 and A4 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 9, 10 and 11 of Prohibition of Child Marriage Act, 2006 and Section 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.16 of 2021, seek anticipatory bail.

2.The case of the prosecution is that these petitioners are parents of the first accused and the victim girl. These petitioners have arranged marriage for the victim girl along with the first accused namely Rajkamal and now the victim is eight months pregnant. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents, they have not committed any offence as

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alleged by the prosecution, but they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that victim girl was produced before the Judicial Magistrate concerned and the statement under Section 164 Cr.P.C was record from the victim girl, in which, she has stated that she married the first accused without knowledge of her parents as well as the parents of the first accused and now she is in the custody of her aunt.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners and the statement of the victim girl, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned of District Mahila Court, Theni 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 learned Judge concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation.

(c)the petitioners shall not tamper with the 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 Judge / 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 Judge /Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(f)if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

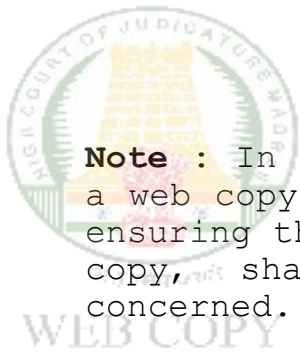
sd/-

26/08/2021

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

ORDER

IN

CRL OP(MD) No.10089 of 2021
Date :26/08/2021

SA/PN/SAR.3/06.09.2021/3P/4C