



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.07.2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.10114 of 2021

1.Rajalingam

2.Amutha

... Petitioners/Accused No.2 and 3

Vs

The State Represented by,
The Inspector of Police,
AWPS, Kulithalai,
Karur District.

Crime No.9 of 2021

... Respondent/Complainant

For Petitioners : Mr.D.S.Haroon Rasheed, Advocate.

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.9 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 offence punishable under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 in Crime No.9 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant namely, Poongothai, Child Welfare Department, Kulithalai Taluk, Karur District got information that the victim girl aged 15 years was married to Prabaharan, who is the first accused in this case. Therefore, this case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He further submitted that the victim girl herself forced the first accused to marry her. Therefore, he seeks anticipatory bail to the petitioners.



petition on the ground that investigation is still pending. He also produced Section 164 Cr.P.C. statement of the witnesses for the perusal of this Court.

5. Reading of the Section 164 Cr.P.C. statement of the victim girl shows that it was she who insisted on marriage by stating that unless the first accused marries her, she would commit suicide. It is also stated by her that, she in fact had tore her left hand using blade insisting on marriage with the first accused. Without any other option, the first accused had married the victim girl. The petitioners are only the parents of the first accused. The first accused was arrested and released on bail. In 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 No.II, Kulithalai 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 first petitioner shall report before respondent police daily at 10.30 am., until further orders. The second petitioner shall report before the 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/-
30/07/2021

/ TRUE COPY /

WEB 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.

TO

- 1.THE JUDICIAL MAGISTRATE NO.II,
KULITHALAI.
- 2.-DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3.THE INSPECTOR OF POLICE,
AWPS, KULITHALAI, KARUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10114 of 2021
Date :30/07/2021

mbi
RT/SKN/SAR-III/04.08.2021/3P/5C