



WEB COPY

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

Date : 09.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)Nos.10211 & 9990 of 2021

1.Sangiliyandi
2.Kamala

... Petitioners/Accused 2 & 3 in CrI.OP(MD)No.10211 of 2021

1.Palraj
2.Sundarammal

... Petitioners/Accused 4 & 5 in CrI.OP(MD)No.9990 of 2021

Vs

The State rep by
The Sub Inspector of Police,
All Women Police Station,
Srivilliputtur,
Virudhunagar District.
In Crime No.12 of 2021,

... Respondent/Complainant in both petitions

In both petitions:

For Petitioners : Mr.M.Jothi Basu, Advocate

For Respondent : Mr.T.Senthilkumar
Government Advocate(CrI. side)

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

COMMON PRAYER :-

For Anticipatory Bail in Crime no.12 of 2021 on the file of the respondent Police.



COMMON 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 and 11 of Prohibition of Child Marriage Act, 2006 in Crime No.12 of 2021, seek anticipatory bail.

2. The petitioners in Crl.OP(MD)No.10211 of 2021 are the parents of the first accused and the petitioners in Crl.OP(MD) No.9990 of 2021 are the parents of the victim girl.

3. The case of the prosecution is that the petitioners conducted child marriage between the victim girl, aged 16 years and the first accused.

4. The learned counsel for the petitioners submits that the victim girl has completed 16 years and she was 17 years old at the time of marriage. Without knowing the consequences, the parents of the victim girl and the first accused committed the offence and now, they have realized their mistake. The learned counsel would further submit that the petitioners would not indulge in any such offence in future and the parents of the victim girl have also filed an affidavit in a Habeas Corpus Petition filed in connection with this case, that they would encourage the victim girl to pursue her studies.

5. Heard the learned Government Advocate (Criminal Side) appearing for the respondent Police.

6. Considering the nature of offence and the stand taken by the learned counsel for the petitioners, this Court is inclined to grant anticipatory bail to the petitioners and hence, these petitions are allowed. The respondent Police is directed to record the statement of the victim girl under Section 164 Cr.P.C. in this case.

7. 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 Additional Mahila Court at Magistrate Level, Srivilliputtur 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 Magistrate 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.



[b]the petitioners shall report before respondent police every monday at 10.30 am., until further orders.

[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 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/-
09/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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 Additional Mahila Court
at Magistrate Level,
Srivilliputtur
- 2.Do Through
The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputtur.
- 3.The Sub Inspector of Police,
All Women Police Station,
Srivilliputtur, Virudhunagar District.

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



4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M/S.M.JOTHI BASU, Advocate (SR-5248[I] dated
10/08/2021)

ORDER IN
CRL OP (MD) Nos.10211 & 9990 of 2021
Date : 09.08.2021

TR/JM/SAR-I (18.08.2021) 4P 6C