



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

Date : 01/09/2021
PRESENT

WEB COPY

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.10972 of 2021

1.M.Pawun @ Pawunammal
2.P.Rajendran

... Petitioners/Accused Nos.12, 16

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Andipatti,
Theni District
Crime No.4 of 2021

... Respondent/Complainant

For Petitioners : Mr.C.JEGANATHAN,
Advocate.

For Respondent : Mr.K.SANJAI GANDHI,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

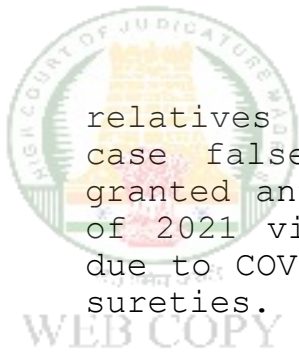
Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 9, 10 and 11 of Prohibition of Child Marriage Act, in Crime No.4 of 2021 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that the accused said to have performed the marriage for a minor girl, who is aged about 14 years. Therefore, the Chair Person of the Child Welfare Committee lodged the present complaint before the respondent police.

4. The learned counsel for the petitioners submitted that the petitioners are arrayed as A12 and A16. Since the petitioners are

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



relatives of the married couple, they have been implicated in this case falsely. He would further submit this Court has already granted anticipatory bail to the petitioners in CrI.O.P(MD).No.6463 of 2021 vide order dated 06.05.2021 with certain conditions, but, due to COVID 19 Pandemic situation they are not able to produce the sureties. Hence, the present petition is filed.

5. The learned Government Advocate (CrI. Side) submitted that A2 and A10 were granted anticipatory bail by the Court below.

6. In the view of the above, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Theni, Theni District, 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 to 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 petitioners shall report before the respondent police on every Monday at 10.30 a.m until further orders.

(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]; and;

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

sd/-

01/09/2021

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/ /2021

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



TO

1. THE JUDICIAL MAGISTRATE
THENI, THENI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ANDIPATTI,
THENI DISTRICT

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.10972 of 2021

Date : 01/09/2021

SA/PN/SAR.3/07.09.2021/3P/5C