



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

Date : 19.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11593 of 2021

1.Kumar

2.Pandiammal

3.Murugan

4.Kanagavalli

... Petitioners/Accused Nos.1 to 4

Vs

The State Rep. by  
The Inspector of Police,  
Sempatti Police Station,  
Dindigul District.  
Cr.No.517 of 2021.

... Respondent/Complainant

For Petitioners : Mr.R.Anand

For Respondent : Mr.T.Senthilkumar,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.517 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 and 11 of Child Marriage Restrain Act, 1921 altered into Sections 9 and 11 of Prohibition of Child Marriage Act 2006 and Section 5(1) r/w Section 17 of the Protection of Children from Sexual Offences Act 2012 in Crime No.517 of 2021, seek anticipatory bail.



2.The case of the prosecution is that the petitioners herein have arranged marriage for the minor girl with the first accused in this case and the marriage was also solemnized on 17.08.2020. The first and second petitioners are parents of the minor girl and the third and fourth petitioners are parents of the first accused. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioner are innocents and they have been falsely implicated in this case. He further submitted that the first accused in this case was arrested and released on bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioners have arranged marriage for the minor girl with the first accused and on the complaint of the Child Welfare Committee member, the present case was registered. He also produced statement of the victim girl recorded under Section 164 Cr.P.C.

5.In the statement recorded under Section 164 Cr.P.C., the victim girl stated that on her own volition the marriage was arranged.

6.Considering the nature of allegation levelled against the petitioners and also considering the statement of the victim girl, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, this criminal original petition is allowed and 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 learned Judicial Magistrate, Aathoor, Dindigul 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 learned 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 Aadhaar card or bank pass book to ensure their identity.

**[b]**the petitioners shall report before respondent police as and when required.

**[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/-  
19/08/2021

/ TRUE COPY /

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

GNS

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,  
Aathoor, Dindigul District.
- 2.Do through  
The Chief Judicial Magistrate, Dindigul.
- 3.The Inspector of Police,  
Sempatti Police Station,Dindigul District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

ORDER IN  
CRL OP(MD) No.11593 of 2021  
Date : 19.08.2021

TR/VR/SAR-III(31.08.2021) 3P 5C