



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 31/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.12084 of 2021

WEB COPY

1. Parvathy
2. Nagaraj

... Petitioners/Accused No.2 & 4

Vs

State through
The Inspector of Police,
Guzilamparai Police Station,
Dindigul District.
(Cr.No. 108 of 2021).

... Respondent/Complainant

For Petitioners : Mr.Maheswaran R,
Advocate.
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER:-

For Anticipatory Bail in Crime No. 108 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 366(A) and 109 of IPC and Sections 9 and 11 of Prohibition of Child Marriage Act, 2006 in Crime No.108 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the father of the victim girl and the victim girl was aged 14 years. She was found missing from home on 25.03.2021. Hence, originally this case was registered as girl missing. Thereafter, during the course of preliminary investigation, this case was altered to Sections 366(A) and 109 of IPC and Sections 9 and 11 of Prohibition of Child Marriage Act, 2006. It is seen from the alteration report that the first accused Manivel lured the victim girl saying that he wanted to marry her, took her in two wheeler and dropped her in the house of Parvathi. On 26.03.2021, at about 02.00 am, the victim girl was forced to marry Chinnakalai. Hence, this Case is altered to the above said Sections.

3.The learned counsel for the petitioners submits that the petitioners are accused 2 and 4. The accused 1 and 3 were released on bail by the learned Principal Sessions Judge, Dindigul in



CrI.M.P.No.1891 of 2021. He further submits that there is no specific overt act against the second petitioner/A4 and the first petitioner/A2 is implicated in this case, since she is the sister of A3.

4.The learned Government Advocate (Criminal Side), on instructions, would submit that the victim girl was secured and produced before the Judicial Magistrate, Vedasanthur on 09.04.2021. She has given statement that A1 has forcibly taken her and handed over her to the first petitioner/A2 and A3. Further, in an unknown place she was forced to marry A3/Chinnakalai. Thereafter, on knowing that a case has been registered, the first petitioner/A2 and A3/Chinnakalai had left the victim girl at Panchampatti, from where, the second petitioner/A4 has taken her to the Police Station.

5.From the confession statement of the victim girl, it is evident that there is no specific overt act against the second petitioner/A4. In fact, he had taken the victim girl to the Police Station. Considering the above facts, this Court is inclined to grant anticipatory bail to the second petitioner. However, there is specific allegation as against the first petitioner/A2 that she has also helped for conducting the marriage between the victim girl and Chinnakalai. Considering the seriousness of offence, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this petition is dismissed insofar as the first petitioner is concerned and this petition is allowed insofar as the second petitioner is concerned.

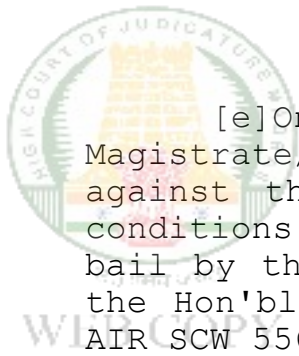
6.The second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Vedasanthur on condition that the second petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Magistrate concerned and on further conditions that:

[a]the second petitioner 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 second petitioner shall report before respondent police as and when required, until further orders.

[c]the second petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

7. In fine, this petition is partly allowed.

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/ /2021
Sub Assistant Registrar(CS IV)

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

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RS/SKN/SAR4 (08.09.2021) 3P 5C