



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

Date : 31/08/2021

PRESENT

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The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.12066 of 2021

K.YOGESHWARAN

... PETITIONER/SOLE ACCUSED

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KULITHALAI, KARUR DISTRICT.
(CRIME NO.20 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioner : MR.S.Balaji,
Advocate.

For Respondent : Mr.T.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.20 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 9 of Prohibition of Child Marriage Act, 2006, in Crime No.20 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner married the minor victim girl aged about 16 years. Based on the complaint made by the Social Welfare Officer, the case has been registered.

3.The learned counsel for the petitioner submits that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case. However, to show his bona fide, the petitioner is ready to file an undertaking affidavit before the respondent police as well as before the trial Court that he will not take any step to arrange the marriage with the minor victim girl and also ensure that the victim will pursue her study.



4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the victim girl was produced before the the Judicial Magistrate No.I, Kulithalai and the statement under Section 164 Cr.P.C was recorded from the victim girl, in which, she has stated that no such marriage was performed between herself and the petitioner herein. He would further submit that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, his willingness to file an undertaking affidavit and also the statement of the victim girl, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Krishnarayapuram, Karur District, on condition that the 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 learned Judge concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall file an affidavit of undertaking before the respondent police as well as before the trial Court that he will not take any steps to arrange the marriage with the minor victim girl and also ensure that the victim will pursue her study.

(c) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

(d)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(e)the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Judge/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Judge/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;



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

sd/-
31/08/2021

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/ TRUE 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,
KRISHNARAYAPURAM, KARUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KULITHALAI,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12066 of 2021
Date :31/08/2021

msa
USK/JM/SAR-IV/14.09.2021/3P/5C