



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

Date : 06.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.12695 of 2021

WEB COPY

Kalimuthu

... Petitioner/Accused No.1

Vs

State rep. by
The Sub-Inspector of Police,
All Women Police Station,
Srivilliputtur,
Virudhunagar District.

... Respondent/Complainant

For Petitioner : Mr.M.Jothibas
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

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

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the
respondent police for the alleged offence punishable under Sections
9 and 11 of the Prohibition of Child Marriage Act, 2006 in crime
No.12 of 2021 on the file of the respondent police, seeks
anticipatory bail.

2.The case of the prosecution is that A2 and A3 conducted
marriage between the victim girl, aged 16 years and the petitioner.

3.The learned counsel for the petitioner submits that the
parents of the victim girl have arranged only betrothal function and
they have also intended to arrange the marriage only after the
victim girl attains 18 years.

4.The learned Government Advocate (Crl. Side) for the
respondent submits that the victim girl was produced before the
Additional Mahalir Neethimandram, Srivilliputtur and her statement
was recorded under Section 164 Cr.P.C, wherein, the victim girl has
stated that no such marriage has taken place between her and the
petitioner. She has also produced the photograph to that effect.



He further submits that the co-accused have already been granted anticipatory bail by this Court in Crl.O.P.(MD)No.10211 of 2021, dated 09.08.2021.

5.Considering the facts and circumstances of the case, the nature of allegation made against the petitioner and also the fact that the co-accused have already been granted anticipatory bail by this Court, 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 Additional Mahila Court at Magistrate Level, Srivilliputtur, 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 Magistrate 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 report before the respondent police daily at 10.30 a.m., until further orders.

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

(d)the 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 petitioner in accordance with law as if the conditions have been imposed and the 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]***; and;

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

sd/-
06/09/2021

/ TRUE COPY /

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

SJI



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.

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-6038[I] dated
07/09/2021)

ORDER IN
CRL OP(MD) No.12695 of 2021
Date : 06.09.2021

TR/SKN/SAR-II(20.09.2021) 3P 6C