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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 23.09.2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)Nos.13832 and 13986 of 2021

1.Cladvin
2.Crasingdon
3.Antonyammal
4.Ebsiba
5.Mary
6.Rani
7.Durgadevi ... Petitioners/Accused in CRL OP(MD)No.13832 of 2021

Illinammal ... Petitioner/Accused No.2 in CRL OP(MD)No.13986 of 2021

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station, Pudukkottai,
Thoothukudi District.
(Crime No.9 of 2021) ... Respondent in both Crl.OPs.

For Petitioner : Mr.R.ILAYARAJA, Advocate.
(In both the petitions)
For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)
(in both the petitions)

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

COMMON PRAYER :-For Anticipatory Bail in Crime No.9 of 2021 on the file of the respondent police.

COMMON ORDER : The Court made the following common order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 363 IPC, Sections 9, 10 and 11 of Prohibition of Child Marriage Act and Section 5(I) r/w 6 POCSO Act in Crime No.9 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the first accused abducted the minor victim girl and married her, who is aged about 15 years. The other accused have arranged the marriage. On the complaint of the defacto complainant/victim girl, the case was registered.

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3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have nothing to do with the alleged occurrence. He further submitted that the victim girl's father died in an accident and her mother died due to illness. Hence, she was under the care of her grandfather against her wish. She had an affair with the first accused and hence, she was placed in the Home at Adaikalapuram. Thereafter, the victim girl insisted the first accused to marry her. On 12.07.2021 she eloped with first accused and the marriage was solemnized on 14.07.2021. Therefore, the present case came to be registered.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioners herein arranged marriage for the minor girl with the first accused. He further submitted that investigation is yet to be completed.

5.Considering the nature of allegations levelled against the petitioners, the fact that they arranged marriage for the minor girl with the first accused at the instance of the victim, this Court is inclined to grant anticipatory bail to the petitioners.

6.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 No.III, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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].**

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[**f**]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/09/2021

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/ /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 NO.III,
THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, PUDUKOTTAI, TUTICORIN DISTRICT.

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

+1 CC to Mr.R.ILAYARAJA, Advocate (SR-6592[I] dated 24/09/2021)

+1 CC to Mr.R.ILAYARAJA, Advocate (SR-6589[I] dated 24/09/2021)

ORDER
IN
CRL OP(MD) No.13832 and 13986 of 2021
Date :23/09/2021

TTA
MK/JM/SAR.III/08.10.2021/3P/7C

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