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

Date : 28/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14365 of 2021

Santhi

... Petitioner/Accused No.4

Vs

State rep. by
The Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.11 of 2019).

... Respondent/Complainant

For Petitioner : M/s.Pandiyaraj S, Advocate.

For Respondent : M/s.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.11 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 9, 10 and 11 Prohibition of Child Marriage Act, in Crime No.11 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is arrayed as A4. The petitioner is the grand mother of the defacto complainant. The defacto complainant is a 15 years old minor girl. After the death of the defacto complainant's parents, she is under the care and custody of the petitioner. In such circumstances, the petitioner has arranged the defacto complainant's marriage with first accused. Hence, the complaint.



3.The learned counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He would further submit that the petitioner is the only person to take care of the defacto complainant, since she prayed for granting anticipatory bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police did not dispute the fact submitted by the learned counsel for the petitioner.

5.Considering the facts and circumstances of the case, the nature of allegations and the fact that the petitioner is the grand mother of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and the 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 learned Judicial Magistrate No.III, Thoothukudi, Thoothukudi District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty Five 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police as and when required for interrogation.

[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]**.



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

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sd/-
28/09/2021

/ TRUE COPY /

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

TTA/CSM

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, THOOTHUKUDI DISTRICT.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.14365 of 2021
Date :28/09/2021