



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . Nos.14449 and 14649 of 2021

M.Dhamotharan ... Petitioner in Crl.O.P(MD) .No.14449 of 2021

1.Suriya Prakash
2.Dhas @ Kalidas
3.Meenampal
4.Raji
5.Mari

... Petitioners in Crl.O.P(MD) .No.14649 of 2021

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Sivagangai District.
Crime No.29/2021.

... Respondent/Complainant in both
Crl.O.P(MD) No.14449 & 14649 of 2021

For Petitioner	: Mr.V.Kathirvelu, for A.Shanmugapriya & for K.Prabhu (In Both Petitions)
For Respondent	: Mr.P.Kottai Chamy, Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 29 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 offence punishable under Sections 9 & 10 of the Prohibition of Child Marriage Act, 2006 and Section 506(i) of IPC, in Crime No.29 of 2021, seek anticipatory bail.



2.The case of the prosecution is that the petitioners along with other accused have arranged and performed the marriage between the first petitioner and the minor victim girl, who is aged about 14 years. On the complaint of the Social Welfare Officer, the case was registered.

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 would further submit that the first petitioner in Crl.O.P(MD).No.14649 of 2021/A1 and the victim girl were in love with each other.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioners herein arranged and performed the marriage for the minor girl with the first accused. He would submit that the statement of the victim girl has been recorded under Section 164 Cr.P.C. wherein it is stated that she agreed to the marriage under the threatening of the petitioners.

5.The learned counsel for the petitioners have produced some photographs before this Court wherein, the first petitioner in Crl.O.P(MD).No.14649 of 2021 and the victim are very close.

6.Considering the facts and circumstances of the case and the nature of allegation levelled against these petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

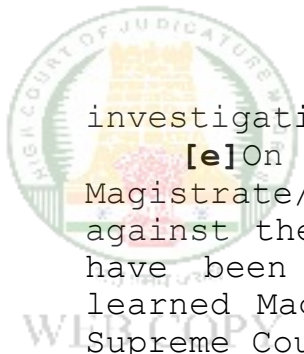
7.Accordingly, those criminal original petitions are allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Sivagangai, 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 on every Saturday at 10.30 a.m, until further orders.

[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]**.

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

sd/-
27/10/2021

/ 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 Additional Mahila Judge,
Sivagangai.
- 2.The Inspector of Police,
All Women Police Station,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to M/S.PRABHU K Advocate SR.No.7572

ORDER
IN
CRL OP(MD) No.14449 of 2021
Date :27/10/2021

RS/VR/SAR2 (24.11.2021) 3P 5C

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