



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15096 of 2021

1. Annadurai
2. Valarmathi

... Petitioners/Accused Nos.2 and 3

Vs

The State rep.by,
The Inspector of Police,
Paramakudi All Women Police Station,
Paramakudi,
Ramanathapuram District.
In Crime No.7 of 2021.

... Respondent/Complainant

For Petitioner : Mr.V.Malaiyendran,
Advocate.

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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

PRAYER :-For Anticipatory Bail in Crime No.7 of 2021 on the file of the Respondent Police.

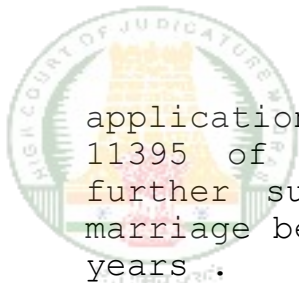
ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 and 5(1), r/w 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.7 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is aged about 17 years, was compelled to marry the first accused, who is aged about 35 years. The petitioners herein are the parents of the first accused and they have arranged the marriage between the first accused and the victim girl. Hence, the complaint.

3. The learned counsel for the petitioners submit that the petitioners are innocents and they have been falsely implicated in this case. He further submit that the petitioners have come forward to pay a sum of Rs.50,000/- to the victim girl and to ensure that the victim girl pursues her study.

4. The learned Additional Public Prosecutor submits that this is the first application for anticipatory bail. The earlier



applications filed by the petitioners in Crl.O.P.(MD).Nos.8179 & 11395 of 2021 were dismissed on 23.06.2021 and 26.08.2021. He further submits that the petitioners have forcibly arranged the marriage between their son and the victim girl, who is aged about 17 years.

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5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and their willingness to pay a sum of Rs.50,000/- to the victim girl and to ensure that the victim girl pursues her study, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, 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 Session Judge, Fast Track Mahila Court, Ramanathapuram on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty thousand only) each with two sureties each for a like sum to the satisfaction of the 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 Aadhar card or Bank pass Book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 a.m., until further orders.

[c] the petitioners shall draw a Demand Draft for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) and handover the same to the respondent Police. The respondent Police, in turn, shall deposit the amount in the name of the victim girl. The Child Welfare Officer shall ensure that the amount is utilised for the purpose of pursuing her study and that the child is not disturbed by the petitioners or any other person.

[d] the petitioners are directed to file an undertaking affidavit before the trial Court as well as the respondent Police that they will not disturb the victim girl.

[e]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[f]the petitioners shall not abscond either during investigation or trial.

[g]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

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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].

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

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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 SESSIONS JUDGE,
FAST TRACK MAHILA COURT, RAMANATHAPURAM.
- 2 THE INPSECTOR OF POLICE
PARAMAKUDI ALL WOMEN POLICE STATION,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE CHILD WELFARE OFFICER,
RAMANATHAPURAM DISTRICT.

ORDER
IN
CRL OP(MD) No.15096 of 2021
Date :08/10/2021

SSB
MK/TR/SAR.II/22.10.2021/3P/5C