



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

Date : 07/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14812 of 2021

WEB COPY

1. Amutha
2. Balakrishnan
3. Renuga

... Petitioners/Accused No. 2 to 4

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station,
Karur, Karur District.
(Cr. No. 19/2021).

... Respondent/Complainant

For Petitioner : M/s. Santhanam Rajesh Kumar.B.,
Advocate.

For Respondent : P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 19 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 the Prohibition of Child Marriage Act 2006, 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 16
years. The other accused have arranged the marriage. On the
complaint of the Rural 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
accused was arrested and thereafter released on bail by the Sessions
Court.

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 facts and circumstances of the case, the nature of allegation levelled against these petitioners and also the fact the first accused was arrested and thereafter released on bail, this Court is inclined to grant anticipatory bail to the petitioners.

WEB COPY

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 Additional Mahila Court Magistrate Level, Karur District, 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.

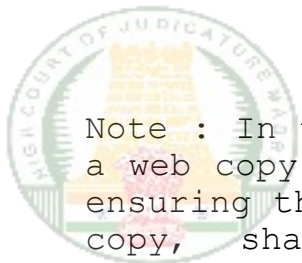
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-
07/10/2021

/ 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.

WEB COPY

TO

- 1.The Judge,
The Additional Mahila Court Magistrate Level,
Karur District.
- 2.-do-through The Chief Judicial Magistrate, Karur District.
3. The Inspector of Police,
All Women Police Station,
Karur, Karur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.14812 of 2021
Date :07/10/2021

RD/VR/SAR-II(26.10.2021) 3P 5C