



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.15112 of 2021

WEB COPY

1. Sithalakshmi
2. Mohan
3. Pandiyan
4. Pappa

... 1 to 4 Petitioners/
Accused No.2 to 5

Vs

The State Represented through
The Inspector of Police,
All Women Police Station,
Nilakottai,
Dindigul District.
(Crime No.11 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Saravagan Prabhu,
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.11 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 of Child Marriage Restraint Act, 1929, 11 of Prohibition of Child Marriage Act, 2006 and Sections 5(n) & 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.11 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioners conducted child marriage between the victim girl and one Rajkumar/first accused herein. Hence, the complaint.

3. The learned counsel for the petitioners submit that the petitioners are innocents, they have been falsely implicated in this case. He further submits that the victim girl and Rajkumar are relatives and they were in love with each other.



4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that the victim girl was produced before the learned Judicial Magistrate, but she refused to give any statement.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and that the victim and Rajkumar were in love with each other, this Court is inclined to grant anticipatory bail to the petitioners and hence, this petition is allowed.

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 Fast Track Mahila Judge, Dindigul, 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 as and when required, 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/-
08/10/2021

/ 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 FAST TRACK MAHILA JUDGE, DINDIGUL
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, NILAKOTTAI,
DINDIGUL DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-7171[I] dated 11/10/2021)

ORDER
IN
CRL OP(MD) No.15112 of 2021
Date : 08/10/2021

VB/SKN/SAR-II/20.10.2021/3P/5C