



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

Date : 08/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15108 of 2021

1. Sathish Kumar
2. Karuppaiya
3. Govinthammal
4. Murugesan
5. Vasantha

... Petitioners/Accused 1-5

Vs

The State through
The Inspector of Police,
All Women Police Station,
Kulithalai,
Karur District.
in Crime No.23/21.

... Respondent/Complainant

For Petitioner : Mr.Balaji.S.,
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.23/2021 on the file of
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 r/w Sections
5(1), 5(n) & Sections 6 of Protection of Children from Sexual
Offences Act, 2012 in Crime No.23 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioner Nos.2 to
5 conducted child marriage between the victim girl Kaviya, aged 17
years and the first petitioner. The petitioner Nos.2 to 5 are the
parents of the victim and the first petitioner. Hence, the
complaint.

3. The learned counsel for the petitioners submit that the
victim girl and the first petitioner are relatives and they were in



love with each other. Hence, the petitioner Nos.2 to 5 arranged marriage between them.

4. The learned Additional Public Prosecutor has produced the statement recorded from the victim under Section 164 Cr.P.C. He would further submit that the investigation is almost completed.

5. Considering the facts and circumstances of the case, the statement recorded from the victim girl under Section 164 Cr.P.C., the stage of the investigation and that the victim and the first petitioner were in love with each other, 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 Additional Session Judge, Fast Track Mahila Court, Karur 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 ADDITIONAL SESSION JUDGE,
FAST TRACK MAHILA COURT, KARUR
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KULITHALAI,
KARUR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.15108 of 2021
Date : 08/10/2021

VB/VR/SAR-I/20.10.2021/3P/4C