



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

Date : 20/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.15232 of 2021

WEB COPY

Jeyapandi

... Petitioner/Accused Rank Not Known

Vs

State Rep. by

The Inspector of Police,

All Women Police Station,

Thiruparankundram,

Madurai District.

Crime.No. 25 of 2021.

... Respondent / Complainant

For Petitioner : Mr.S.M.A.Jinnah,
Advocate.

For Respondent : Mr.R.Meenakshi Sundharam,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.25 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest for the alleged offence punishable under Sections 9 and 10 of the prohibition of Child Marriage Act,2006 and Sections 5(i), 6 and 17 of the Protection of Children from Sexual Offences Act, 2012, in Crime No.25 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner, who is aged about 23 years, married a minor girl, who is aged about 17 years. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner and the victim girl loved each other. Since both the parents opposed their marriage, the petitioner and the victim girl left their families and got married as per Hindu rituals and customs. This is the second anticipatory bail petition. The earlier petition was dismissed as not pressed as the crime number has not been mentioned correctly. He further submitted that the petitioner is a minor and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail.



4.The learned Government Advocate(Crl.side) appearing for the respondent police has produced the statement recorded from the victim under Section 164 Cr.P.C.,in which, she has not stated anything that there was a forcible marriage or any specific relationship with the petitioner. He would further submit that the investigation is almost completed.

5.Considering the facts and circumstances of the case, the nature of allegation levelled as against the petitioner, the statement of the victim girl recorded under Section 164 Cr.P.C., and the stage of the investigation, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional Mahila Court (Judicial Magistrate Level), Madurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m until further orders;

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**; and;

(f)if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/10/2021

/ 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 JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT(JUDICIAL MAGISTRATE LEVEL),
MADURAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPPANRANKUNDRAM,
MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.15232 of 2021
Date :20/10/2021

SB/VR/SAR-IV/28.10.2021/3P/5C