



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

Date : 22/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15588 of 2021

1.Gopalakrishnan
2.Panaiyadi
5.Gowri

... Petitioners/Accused Rank No.1 to 3

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Jeeyapuram, Trichy District.
(Crime No.30/2021)

... Respondent/Complainant

For Petitioners : Mr.P.Ganapathi Subramanian, Advocate.

For Respondent : Mr.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.30/2021 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 12 of the Prohibition of Child Marriage Act 2006 in Crime No.30 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other accused have arranged and performed the marriage between the first accused and the minor victim girl. On the complaint of the Child Welfare committee, 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 submit that the statement of the victim girl has been recorded under Section 164 Cr.P.C. and the victim girl has not supported the case of the prosecution.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the petitioners herein arranged and performed the marriage for the minor girl with the first accused. He 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 considering the statement of the victim girl, 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 Judicial Magistrate, Manaparai, 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/-

22/10/2021

/ 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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1 THE JUDICIAL MAGISTRATE,
MANAPARAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, JEEYAPURAM, TRICHY DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.15588 of 2021

Date :22/10/2021

GBG/TTA

MK/SKN/SAR.II/28.10.2021/3P/5C