



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16194 of 2021

1. Pandiyan
2. Manimala

... Petitioners/Accused Nos.8,9

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai City.
Cr.No.25 of 2021.

... Respondent/Complainant

For Petitioner : Mr.A.ARPUTHARAJ,
Advocate.

For Respondent : Mr.R.MEENAKSHI SUNDARAM,
Additional Public Prosecutor

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

PRAYER :-

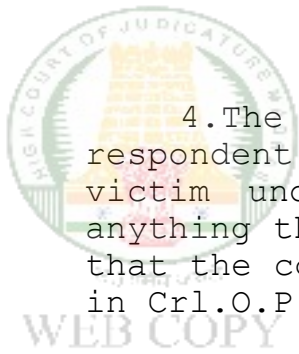
For Anticipatory Bail in Crime No.25 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest for the alleged offence punishable under Section 9 of the prohibition of Child Marriage Act, 2006 @ Sections 5(i), 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9, 10 of the Prohibition of Child Marriage Act, 2006, 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 first accused, 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 petitioners are innocents and they have been falsely implicated in this case. He further submitted that it is only a love marriage and the petitioners have not arranged the marriage.



4.The learned Additional Public Prosecutor 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. He would further submit that the co-accused has been granted anticipatory bail by this Court in Crl.O.P.(MD).No.15232 of 2021 on 20.10.2021 .

5.Considering the facts and circumstances of the case, the nature of allegation levelled as against the petitioners, the statement of the victim girl recorded under Section 164 Cr.P.C., and that the co-accused has been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or 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, Madurai 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation.

(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;

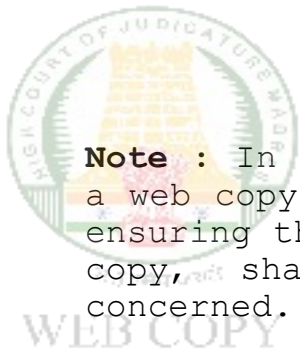
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid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

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

sd/-
25/10/2021

/ 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 MAHILA JUDGE
MADURAI DISTRICT.
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPPARANKUNDRAM,
MADURAI CITY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.16194 of 2021

Date :25/10/2021

SA/SKN/SAR.4/29.10.2021/3P/4C