



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

Date : 29.10.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16758 of 2021

WEB COPY

1.P.Kannan
2.K.Selvi
3.P.M.Ananthan
4.Rajakumari

... Petitioner/Accused Rank No.4 to 7

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai District.
(Crime No.25 of 2021)

... Respondent/Complainant

For Petitioners : Mr.S.M.A.Jinnah
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

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

PRAYER :-

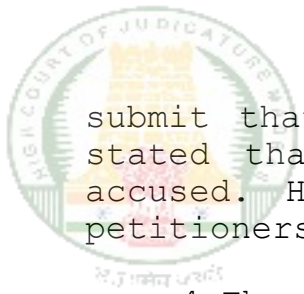
For Anticipatory Bail in Crime No.25 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A4 to A7 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006, 5 (1), 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 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 Social Welfare Officer and Child Welfare Committee, the case was registered.

3.The learned counsel appearing for the petitioners would submit that the first accused and the victim girl were in love with each other. Since, it was not accepted by the petitioners and A1's family members, without understanding the consequences, the victim had entered into a marriage with the first accused and got married. He would further



submit that in the 164 Cr.P.C statement also the victim girl has stated that she had eloped on her own volition with the first accused. Hence, he seeks for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioners herein arranged and performed the marriage for the minor girl with the first accused. He would further submit that the major part of investigation is over and the statement of the victim has been recorded under Section 164 of Cr.P.C.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against this petitioners, 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 (JM Level) Court, Madurai 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 Judge 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 Judge 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, daily at 10.30 a.m., 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 Judge/ 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 Judge/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/-
29/10/2021

WEB COPY

/ 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 (JM Level) Court,
Madurai.
- 2.Do Through The Chief Judicial Magistrate,
Madurai.
- 3.The Inspector of Police,
All Women Police Station,
Thirupparankundram,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.16758 of 2021
Date :29/10/2021

RS/PN/SAR4 (15.11.2021) 3P 5C