



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17871 of 2021

Chinnathambi@ Ramasay

... Petitioner/Accused No.6

Vs

State rep.by

The Inspector of Police,
All Women Police Station,
Karur.

(Crime No.7/2021).

... Respondent/Complainant

For Petitioner : M/s.N.V.Nagenthiran N.V, Advocate.

For Respondent : M/s.S.S.Madhavan,
Government Advocate (Crl.Side)

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

PRAYER :-

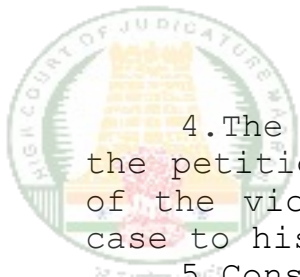
For Anticipatory Bail in Crime No.7 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.6, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9 and 10 of the Prohibition of the Child Marriage Act, 2006, in Crime No.7 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the first accused married the victim girl with the aid of the petitioners and made repeated sexual assault. Hence, the complaint.

3.The learned counsel for the petitioner would submit that petitioner is innocent and not committed any offence as alleged by the prosecution. Co-accused were already enlarged on bail. Hence, prays for anticipatory bail.



4. The learned Government Advocate (Crl. Side) would submit that the petitioner and other accused persons had performed the marriage of the victim girl and this petitioner is not having any previous case to his credit.

5. Considering the fact that the petitioner is the maternal uncle of first accused and considering the nature of charges levelled against the petitioner, that the first accused was arrested and released on bail and other accused persons viz., A2 to A5 were released on anticipatory bail by this Court and upon considering the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 learned Judicial Magistrate, Additional Mahila Court @ Judicial Magistrate Level, Karur, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 am for a period of one month and thereafter, as and when required for interrogation.

(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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
17/11/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.II)
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 JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT @
JUDICIAL MAGISTRATE LEVEL,
KARUR.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KARUR.
 3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARUR.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.NAGENTHIRAN N.V Advocate SR.No.8210

ORDER
IN
CRL OP (MD) No.17871 of 2021
Date :17/11/2021

SP/JM/SAR II/23/11/2021/3P/6C