



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

Date : 18.11.2021

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.17948 of 2021

1.Chinnaraja
2.Muthiah
3.Murugeswari
4.Vanam

... Petitioners/Accused No.1 to 3 & 6

Vs

The state rep.by
The Inspector of Police,
All Women Police Station,
Andipatti, Theni District.
(Crime No.16 of 2021)

... Respondent/Complainant

For Petitioners : Mr.C.Susikumar
Advocate.

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

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.16 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3 and A6, who were arrested and remanded to judicial custody on 23.10.2021 for the offences punishable under Sections 9, 10 and 11 of Prohibition of Child Marriage Act, 2006 in Crime No.16 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that the first petitioner/A1 married the minor victim girl, who is aged about 15 years, with the help of the petitioners 2 and 3, who are the parents of the victim girl and had physical relationship with her. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioners 2 and 3 are the parents of the victim girl and the petitioners are innocents and they have been falsely implicated in this case. He would further submit that the petitioners are in judicial custody from 23.10.2021. Hence, he seeks for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the victim girl was secured and she is now in the house of her maternal aunt at Bangalore. He would further submit that the investigation is pending.

5.Considering the nature of the charges levelled against the petitioners and also the facts that the victim girl was secured and she is now in the house of her maternal aunt at Bangalore, that the petitioners are in judicial custody from 23.10.2021 and that the petitioners are not having any bad antecedents, this Court is inclined to grant bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail on their executing 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 Judicial Magistrate Court, Andipatti.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity;

ii) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter as and when required for interrogation;

iii)the petitioners shall not tamper with evidence or witness.

iv) the petitioners shall not abscond during trial.

v)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].

vi) If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

18/11/2021

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/ /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.

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- TO
1. THE JUDICIAL MAGISTRATE, ANDIPATTI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE OFFICER INCHARGE, DISTRICT JAIL,
THEKKAMPATTI, THENI DISTRICT.
 4. THE SUPERINTENDENT,CENTRAL PRISON,
MADURAI.
 5. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ANDIPATTI, THENI DISTRICT.
 6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.17948 of 2021
Date :18/11/2021

SJI
MS/VR/SAR-3/18.11.2021/3P.7C