



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

Date : 02/12/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18156 of 2021

WEB COPY

1. Sudalai
2. Chandra
3. Chinnamarimuthu
4. Marimuthu @ Periamarimuthu
5. Uikkattan
6. Esakkitheeran
7. Angappan

... Petitioners/Accused 2 to 8

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Srivaikundam.
Cr.No.18 of 2021.

... Respondent/Complainant

For Petitioners: Mr.A.SIVASUBRAMANIAN,
Advocate.

For Respondent : Mr.SS.MADHAVAN,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.18 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

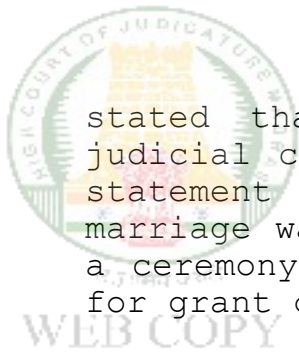
The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 9 & 10 of Prohibition of Child Marriage Act in Crime No.18 of 2021 on the file of the respondent police, seek anticipatory bail.

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 appearing for the petitioners submits that there was no marriage solemnized between the first accused and the victim girl and that the petitioners are the relatives of the first accused. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that in the status report filed by the respondent police, it has been

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



stated that the first accused was arrested and remanded into judicial custody on 22.10.2021, that victim girl has already given statement under Section 164 Cr.P.C and she has stated that no marriage was solemnized and they were asked to wear new clothes for a ceremony and that investigation is pending and they are opposing for grant of anticipatory bail to the petitioners.

5. Admittedly, the petitioners are the father, mother, grand parents and other relatives of the first accused. Considering the nature of charges levelled against the petitioners and also the fact that the main accused, ie., the first accused was arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, 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 Magistrate, Srivaikundam, 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 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent Police Station daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c) the petitioners shall not tamper with 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 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/-
02/12/2021

/ 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 JUDICIAL MAGISTRATE
SRIVAİKUNDAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIVAİKUNDAM.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.SIVASUBRAMANIAN.A, Advocate SR.No.8750

**ORDER
IN**

CRL OP(MD) No.18156 of 2021
Date :02/12/2021

SA/PN/SAR.2/08.12.2021/3P/6C