



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/12/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.19013 of 2021

1. Balakrishnan
2. Kanniyappan

... Petitioners/Accused Nos.1 & 2

Vs

The State rep.by
The Inspector of Police,
All Women Police Station, Kulithalai,
Karur District.
(Cr.No.14/2021)..

... Respondent/Complainant

For Petitioner : M/s.KARUNA.V,
Advocate.

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 14 of 2021 on the file of the respondent Police.

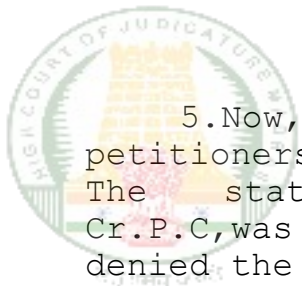
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2.The petitioners, who apprehend arrest at the hands of the respondent police, in connection with the case in Crime No.14 of 2021, for the alleged offences punishable under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 seek anticipatory bail.

3.The case of the prosecution is that a complaint was given by the defacto complainant, namely, Chitra, who is working in Welfare Department that marriage between one Mohana priya, aged about 17 years and the first accused was performed on 15.07.2021. Hence, the complaint.

4. Earlier petition filed by the petitioners was dismissed as they sought permission of this Court to withdraw the petition.



5.Now, the learned counsel for the petitioners submits that the petitioners are innocent and they have not committed any offence. The statement of the victim girl recorded under Section 164 Cr.P.C, was also produced before this Court, wherein, the victim girl denied the factum of marriage.

6.This Court also verified the 164 Cr.P.C., statement recorded from the victim girl, wherein, she denied the factum of marriage. Considering the fact that the victim girl herself denied the factum of marriage, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, this criminal original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.I, Kulithalai, 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police as and when required.

[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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/12/2021

/ 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 NO.I, KULITHALAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KULITHALAI,
KARUR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.KARUNA.V, Advocate SR.No.9286

ORDER

IN

CRL OP(MD) No.19013 of 2021

Date :14/12/2021

RS/PN/SAR.2/21.12.2021/3P/6C