



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.2311 of 2022

WEB COPY

1.Ramajayam
2.Kuppusamy @ Rajamanickam
3.Jayalakshmi @ Selvi ... Petitioners

Versus

State represented by
The Inspector of Police,
Pantruti All Women Police Station,
Pantruti, Cuddalore District.
(Crime No.38 of 2021) ... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.38 of 2021 on the file of the respondent police pending investigation.

For Petitioners: Mr.A.Venkatesan

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl. Side)

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 9, 10 of the Prohibition of Child Marriage Act, 2006 of IPC in Crime No.38 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the 2nd and 3rd petitioners are the parents of the 1st petitioner, in order to solemnize the marriage to the 1st petitioner on 09.09.2021, the petitioners were arranged the marriage engagement function with the 1st petitioner sister's daughter, according to the marriage plan, they fixed the marriage engagement alone and after attained the age of major, the petitioner planned to performed the marriage engagement



according to the demand of the 1st petitioner sister. That the victim's girl father is no more, therefore the mother of the victim's girl who insisted the petitioner to perform the marriage engagement function. Originally the victim girl has attained 17 years, she was admitted to school belatedly, therefore the entire records reflect as 15 years. Original age of the victim girls is 17 years old. The victim girl father died on 19.06.2017; however the deceased victim's girl father also added as 4th accused in the case. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that all the petitioners arranged the marriage for the victim girl, who is aged about 17 years, as per the complaint given by the District Social Welfare Officer, investigation almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Additional Mahila Court at Cuddalore, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) 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 1st petitioner shall report before the respondent police on every Tuesday at 10.30 a.m., until further orders and the 2nd and 3rd petitioners shall report before the respondent police 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 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

02/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL MAHILA COURT
CUDDALORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
PANRUTI ALL WOMEN POLICE STATION,
PANRUTI, CUDDALORE DISTRICT.

+1 CC to M/S. A.VENKATESAN Advocate on payment of necessary charges SR.NO.1690

CRL OP.2311/2022

Date :02/02/2022

RW 09/02/2022