



IN THE HIGH COURT OF JUDICATURE AT MADRAS  
( Criminal Jurisdiction )

Monday, the Twenty First day of February Two Thousand Twenty Two  
PRESENT

WEB COPY

The Hon`ble Mr Justice R. PONGIAPPAN  
CRIMINAL ORIGINAL PETITION No.2780 of 2022

S.SHANTHI

[ PETITIONER / ACCUSED ]

Vs

STATE REP BY  
INSPECTOR OF POLICE,  
PALACODE POLICE STATION,  
DHARMAPURI DISTRICT  
(CRIME NO.337/2021)

[ RESPONDENT ]

For Petitioner : M/S C. PALANISAMY Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006 in Crime No.337 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and other accused performed marriage of the minor victim girl against her Will. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent lady and she has been falsely implicated in this case. He would further submit that the petitioner, being the mother of the victim girl, arranged marriage between the victim girl and the accused Munusamy without knowing the consequence of law. Hence, he pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that investigation is pending. However, he admits that the petitioner is the mother of the victim girl.



5. Submissions made by the learned Counsels appearing on either sides are considered.

6. The respondent police registered a case against the petitioner for the offence punishable under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006. The averments found in the statement recorded under Section 164 of Cr.P.C., of the victim girl narrated the facts that before the registration of the case, the victim girl eloped with one Karthi, who is arrayed as A5. Subsequently, after knowing the same, the petitioner and her relatives arranged the marriage of the victim girl with one Munusamy, who is arrayed as A2. It is the case that after knowing the fact that the victim girl is the wife of the said Munusamy, both the victim girl and the said Karthi again eloped from their respective residences and stayed in various places, like Bangalore, Trichy, Erode, Kumbakonnam, etc. Therefore, it is apparent that for the act committed by the victim girl, the petitioner is no way responsible. The only allegation is that the petitioner arranged the marriage of the victim girl with one Munusamy.

7. Therefore, taking note of all the above said aspects into consideration, that the nature of the offence committed by the petitioner and also considering the act committed by the victim girl, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court, Palacode, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned 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 10.00 a.m., for a period of fifteen (15) days 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/-

21/02/2022

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 JUDICIAL MAGISTRATE,  
PALACODE

2 THE CHIEF JUDICIAL MAGISTRATE  
DHARMAPURI (FOR INFORMATION)

3 INSPECTOR OF POLICE,  
PALACODE POLICE STATION,  
DHARMAPURI DISTRICT

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S C. PALANISAMY Advocate on payment of necessary charges

CRL OP.2780/2022

Date :21/02/2022

RVR 24/02/2022