



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

Thursday, the Tenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3172 of 2022

1 SUDHA
2 SELVI

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
VEPPUR POLICE STATION,
CUDDALORE DISTRICT.
CRIME NO.382/2021

[RESPONDENT]

For Petitioner : M/S.M.SELVAM Advocate

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

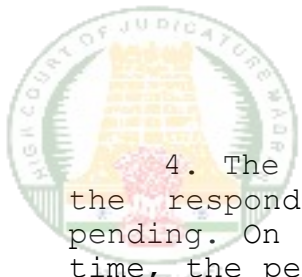
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006 in Crime No.382 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 25.01.2021, the defacto complainant, who is working as Center Administrator, Social Welfare Office, Cuddalore, has rescued the victim girl, aged about 17 years from the child marriage and handed over the girl to her parents after giving proper advise. Thereafter, on 01.07.2021, when the victim girl came to the Social Welfare Office for putting her signature, on enquiry, she stated that her marriage was performed with one Vigneshwaran on 28.05.2021 with the consent of both families. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

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



4. The learned Government Advocate (Criminal Side) appearing for the respondent police submits that the investigation is still pending. On instructions, he admits that during the relevant point of time, the petitioners have accompanied with the minor victim girl for performing her marriage. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. The submissions made by the learned counsels appearing on either side are considered. The respondent Police registered a case against the petitioners in Crime No.382 of 2021 for the offences punishable under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006. The averments shown in the First Information Report discloses the fact that during the relevant point of time along with other accused, the petitioners have also accompanied with the minor victim girl for performing her marriage. Therefore, considering the nature of the offence committed by the petitioners, custodial interrogation may not be necessary for completing the investigation.

6. Taking all the above said aspects into consideration and having regard to the nature of offence committed by the accused, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, 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-I, Virudhachalam 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their 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 petitioners 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 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/-

10/02/2022

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,
NO.I, VIRUDHACHALAM

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
VEPPUR POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.SELVAM Advocate on payment of necessary charges
Sr.2180

CRL OP.3172/2022

Date :10/02/2022

RVR 16/02/2022