



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fourteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3456 of 2022

1 RADHA
2 SANTHA

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
PALACOD POLICE STATION,
DHARMAPURI DISTRICT
CRIME NO.495 OF 2021

[RESPONDENT]

For Petitioners : M/S. E.KANNADASAN Advocate

For Respondent : MR.S.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 9,11 of Protection of Child Marriage Act and Section 3 (a), 4(1) of Protection of Children from Sexual Offence Act in Crime No.495 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the 1st petitioner is the mother of A-1 and the 2nd petitioner is the mother of the victim girl. It is alleged that the petitioners along with their family members performed marriage to the victim girl aged about 17 years with A-1 aged about 27 years. Thereafter, the victim girl came to know that the original age of A-1 was 34 years. Hence, the present case has been registered by the Law Enforcing Agency on the complaint lodged by the Child Line Member.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that they have been falsely implicated in this case. According to him, the petitioners without knowing the consequences of the act, they performed child marriage to their children. Hence, he pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that the investigation is still pending. However, he admits that the petitioners are the parents of the bride and bridegrooms respectively.

5. The submissions made by the learned Counsel appearing on either sides are considered.

6. Admittedly, the petitioners are illiterate people and they are alleged to have arranged the marriage between the couples at that relevant point of time. Considering the nature of offence committed by the petitioners, custodial interrogation may not be necessary, hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 Sessions Judge, Fast Track Magila Court, Dharmapuri on condition that the petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(c)the petitioners shall report before the respondent police daily at 10.00 a.m. for a period of 30 days and thereafter as and when required for interrogation;

(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 has 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/-
14/02/2022

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 SESSIONS JUDGE,
FAST TRACK MAGILA COURT, DHARMAPURI.

2 THE INSPECTOR OF POLICE,
PALACOD POLICE STATION,
DHARMAPURI DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. E.KANNADASAN Advocate on payment of necessary charges SR.NO.2329

CRL OP.3456/2022

Date :14/02/2022

JPA 18/02/2022