



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventeenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3954 of 2022

SIVARAMAN

[PETITIONER / ACCUSED]

Vs

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

[RESPONDENT]

For Petitioner : M/S M.SELVAM Advocate

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

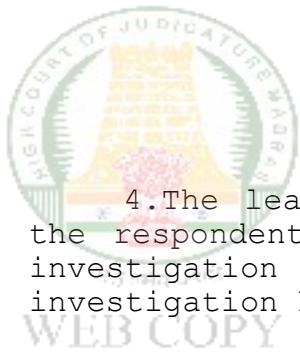
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offences under Sections 9, 10 and 11 of Prohibition of Child Marriage Act, 2006 in Crime No.382 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant, who is working as a Center Administrator, Social Welfare Office, gave a complaint to the respondent Police stating that the petitioner has married a minor girl aged about 17 years. Hence, the present case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that after the marriage due to the intervention of the officer, who is from the child line, the victim girl has been separated from her husband and as of now, she is with her parents. He would further submit that due to the innocence of the parents of the petitioner and the victim girl, this offence had occurred. 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 as of now, the investigation is pending. However, he admits as of now, a portion of investigation has been completed.

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 Prohibition of Child Marriage Act, 2006. The averments found in the First Information Report and in the 164 (2) Cr.P.C statement given by the victim girl, it would appear that immediately after the marriage, both the husband and wife are separated each other.

7.In view of the above submissions made by the learned counsels appearing for either sides and also considering the fact that the gravity of the offence committed by the petitioner is not severe, the custodial interrogation may not be necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

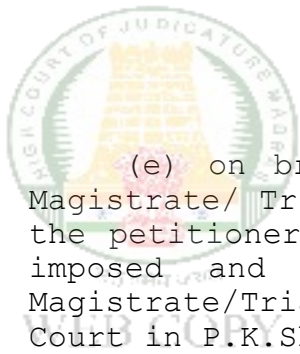
8.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate I, Virudhachlam, on condition that the petitioner shall execute a bond 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 thirty(30) 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/-
17/02/2022

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, VIRUDHACHLAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION].

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S M.SELVAM Advocate on payment of necessary charges
SR.NO.2494

CRL OP.3954/2022

Date :17/02/2022

JPA 22/02/2022