



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Tenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.4493 of 2022

1 RANI

[PETITIONERS / ACCUSED]

2 RADHAKRISHNAN

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
JAYANKONDAM,
ARIYALUR DISTRICT
CRIME NO.10 OF 2022

[RESPONDENT]

For Petitioner : M/S S.GIRI THARAN Advocate

For Respondent : M/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 at the hands of the respondent Police for the alleged offences under Section 9 of Prohibition of Child Marriage Act, 2006, Section 376(2)(n) of IPC, Section 5(1), 5(j)(ii), r/w Sections 6 and 17 of The Protection of Children from Sexual Offences Act, 2012, in Crime No.10 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The father and mother of the first accused are before this Court seeking anticipatory bail. From the 164(5) Cr.P.C. statement recorded by the Magistrate, it appears that the victim girl has completed 17 years and on her own wish, she married the first accused and she is living with the first accused as husband and wife. However, when she went to the hospital for her pregnancy, the doctors found that she is under age and the matter was reported to the authorities and the case was registered.



3. Considering the fact that the girl has completed 17 years and the marriage was conducted by the parents and the victim girl has presently completed 18 years, has no grievance in the marriage, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

4. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Fast Track Mahila Court, Ariyalur, on condition that each of 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 learned Magistrate, failing which the anticipatory bail shall stand canceled 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 Investigating Officer as and when required.

(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

10/03/2022

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 FAST TRACK MAHILA COURT,
ARIYALUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
JAYANKONDAM, ARIYALUR DISTRICT.

+1 CC to M/S S.GIRI THARAN Advocate on payment of necessary
charges SR.NO. 3716

CRL OP.4493/2022

Date :10/03/2022

RW 16/03/2022