



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Eighth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.4749 of 2022

1 ELUMALAI
2 JAYA

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVARUR DISTRICT.
CRIME NO.4 OF 2022

[RESPONDENT]

For Petitioners : M/S.S.SABARISH, Advocate

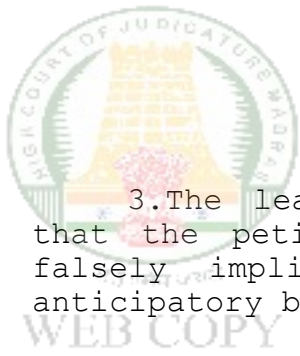
For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 9 & 10 of Child Marriage Restraint Act and under Sections 9(m) & 10 of Protection of Child from Sexual Offences Act in Crime No.4 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The petitioners are husband and wife. The case under investigation in Cr.No.4 of 2022 is in respect of suicide committed by one Archana aged about 16 years. According to the FIR, the said Archana was given to marriage to one Sivakumar when she was early 12 years old. Since her sister who was supposed to marry Sivakumar ran away on the date of marriage, as substitute, she had been made to marry the said Sivakumar. In this regard, disharmony between the family members resulted in Archana committing suicide by consuming rat poison.



3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that these petitioners are not called for any enquiry or not wanted in connection with this case and as far as suicide of Archana is concerned, so far police has not collected any information indicating their role. In view of the above, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. 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 Magalir Neethimandram, Fast Track Mahila Court, Thiruvavur on condition that the petitioners shall execute separate bonds 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 learned Magistrate concerned and on further conditions 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 are directed to appear before the Investigating Officer 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.

WEB COPY

-sd/-
28/02/2022

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 MAGALIR NEETHIMANDRAM
FAST TRACK MAHILA COURT, THIRUVARUR.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVARUR DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.KINGSTON JEROLD Advocate on payment of necessary charges SR.NO.3133

CRL OP.4749/2022

Date :28/02/2022

JPA 04/03/2022