



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

Monday, the Eleventh day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.8309 of 2022

1 ARULKUMAR
2 PORKODI
3 AMSA
4 CHINNAKKANNU

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
GOBINATHAMPATTI POLICE STATION,
DHARMAPURI DISTRICT.
(CRIME NO.33 OF 2022)

[RESPONDENT]

For Petitioner : M/S.M.SENTHILKUMAR 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 alleged offences under Sections 9 and 10 of The Prohibition of Child Marriage Act 2006 and Section 5(1) read with Section 6(1) of The Protection of Children from Sexual Offences Act, 2012 in Crime No.33 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The petitioners apprehends arrest on the hands of the respondent, since it is a case of child marriage registered against the petitioners.

3. The statement under Section 164 Cr.P.C of the victim girl recorded. The victim girl has married to one Vainaveen, who is the son of the petitioners(1 &2), with the connivance of the victim parents who are the petitioners(3&4), the victim girl after marriage living with the first accused named Vainaveen and she has given birth to a male child on 27.02.2022.



3. Taking note of the fact that, it was marriage arranged by the parents without knowing that girl is minor and such marriage is prohibited under law and further taking note of the fact that investigation has completed, 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 Mahila Fast Track Court Judge, Dharmapuri on condition that each of the petitioners shall execute separate 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

11/04/2022

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 MAHIAL FAST TRACK COURT
JUDGE, DHARMAPURAI

2 THE INSPECTOR OF POLICE,
GOBINATHAMPATTI POLICE STATION,
DHARMAPURI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.SENTHILKUMAR Advocate on payment of necessary
charges SR.5630

CRL OP.8309/2022

Date :11/04/2022

RVR 19/04/2022