



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.9608 of 2022

1 SABARINATHAN
2 BALU
3 SUNDHARI
4 LENINRAJ
5 KASTHURI

[PETITIONERS / ACCUSED]

Vs

THE STATE REP ITS,
THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION-SIRKAZHI,
MAYILADUTHURAI DISTRICT
CRIME NO.09 OF 2022.

[RESPONDENT]

For Petitioner : M/S.SWAMISUBRAMANIAN Advocate

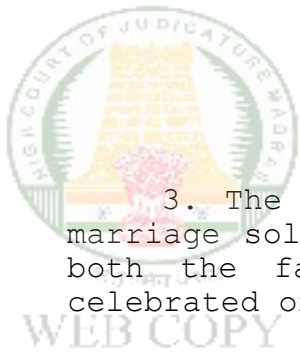
For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

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 offence punishable under Sections 9 and 10 of Tamil Nadu Prohibition of Child Marriage Act, 2006 in Crime No.9 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The petitioners apprehending arrest by the respondent police on a complaint given by the Child Welfare Committee alleging that they have abetted the child marriage between the victim girl and the first petitioner/Sabarinathan. The said Sabarinathan, his parents and the parents of the minor girl are before this Court seeking anticipatory bail.



3. The statement of the minor girl indicates that there was no marriage solemnized between her and the first petitioner and infact both the family members on the date of the alleged occurrence celebrated only the puberty ceremony of the minor girl.

3. In view of the above fact on examination of the victim girl by the Judicial Magistrate under Section 164 (5) of Cr.P.C, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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 Judicial Magistrate, Sirkazhi, on condition that the petitioners shall execute separate bonds for a sum of Rs.50,000/- (Rupees Fifty 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) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioners shall report before the Investigating Officer as and when required for interrogation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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 are 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;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
27/04/2022

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 JUDICIAL MAGISTRATE,
SIRKAZHI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION-SIRKAZHI,
MAYILADUTHURAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.SWAMISUBRAMANIAN Advocate on payment of necessary charges SR.NO. 6450

CRL OP.9608/2022

Date :27/04/2022

RW 04/05/2022