



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10611 of 2022

1 SARATHKUMAR [PETITIONERS/ ACCUSED]
2 MANIKANDAN
3 MARIYAMMAL
4 KANIMOZHI
5 KATHAVARAYAN
6 INDIRA

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VRIDDHACHALAM, CUDDALORE DISTRICT.
(CRIME NO.7/2022)

For Petitioner : M/S.T.MEGANATHAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest for the alleged offence under Sections 9 & 10 of Prohibition of Child Marriage Act 2006, in Crime No.7 of 2022, on the file of the respondent police, seek anticipatory bail.

2. Heard the submissions of both the counsel appearing for parties.

3.The allegation against the petitioners is that they performed marriage of the victim girl, who is aged about 17 years with first accused SarathKumar who is aged about 22 years on 19.01.2022. This Complaint was registered on the basis of information by District Social Welfare Officer.



4. It is seen the statement of the victim under Section 164 Cr.P.C was recorded.

5. Taking note of the fact that the victim girl was aged about 17 years and the first accused is aged about 22 years and also the fact that statement of the victim girl under Section 164 Cr.P.C was recorded, this Court is of the view that custodial interrogation of the petitioners is not necessary, therefore, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions;

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 No.I, Vriddhachalam, Cuddalore District, on condition that the petitioners shall execute a bond for 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) 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 respondent police as and when required for investigation;

(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/-

05/05/2022

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, VRIDDHACHALAM, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VRIDDHACHALAM, CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.T.MEGANATHAN Advocate on payment of necessary
charges SR.No.6786

CRL OP.10611/2022

Date :05/05/2022

CSK 11/05/2022