



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12322 of 2022

1 G.SEENU

[PETITIONERS / ACCUSED]

2 YOGAMMAL @ LOGAMMAL

3 VELU

Vs

THE STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
DEEVATIPATTI POLICE STATION,
SALEM DISTRICT
CRIME NO.98/2022

For Petitioner : M/S.R.SASIKUMAR, Advocate for
M/S. D.BALAJI Advocate

For Respondent : M/S.V.MEGANATHAN, 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 for the offences under Sections 9 and 10 of Child Marriage Act, in Crime No.98 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a Village Administrative Officer, Nadupatti Village, Salem District, who received an information on 17.02.2022 that a child marriage was performed between the 1st petitioner and the victim who is a minor, on 26.01.2022. Based on the complainant given by the Village Administrative Officer, the respondent police registered the case.



3. The learned counsel for the petitioners would submit that the second and third petitioners are the parents of the victim and no marriage conducted at consummated between the first petitioner and the Minor as alleged by the prosecution. On the date of alleged occurrence i.e. on 26.01.2022, the petitioners along with their relatives had gone to temple to worship god. But, based on a wrong information, the Village Administrative Officer has lodged a complaint as if, a child marriage took place between the petitioner and the said minor. He would further submit that the petitioners are uneducated persons, hailing from an ordinary background and they are close relatives. However, he would admit that both the families are willing to conduct the marriage between the first petitioner and the said minor once she attains majority. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the child marriage was performed between the first petitioner and one Selvi. Prema on 26.01.2022 and based on the complaint given by the Village Administrative Officer on 17.02.2022, the case has been registered. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels, 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 their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Omalur, Salem District, on condition that the petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

26/05/2022

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,
OMALUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
DEEVATIPATTI POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. D.BALAJI Advocate on payment of necessary charges
SR.NO. 7920

CRL OP.12322/2022

Date :26/05/2022

RW-31/05/2022