



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Sixth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13023 of 2022

1 SUSEELA

[PETITIONERS / ACCUSED]

2 SOORYA @ MANOSURIYA

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SALEM TOWN,
SALEM DISTRICT
(CRIME NO.6 OF 2022)

For Petitioners : M/S.C.PRAKASAM Advocate

For Respondent : MR.A.DAMODARAN, Additional public Prosecutor

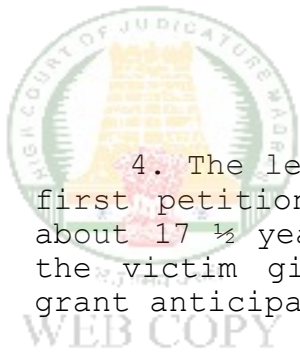
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9 and 10 of Child Marriage Act 2006 later altered into Sections 9 and 10 of Child Marriage Act 2006 r/w Section 5(1)(j)(ii) r/w 6 of POCSO Act, 2012 in Crime No.6 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the Social Welfare officer lodged a complaint before the respondent police stating that the first petitioner has arranged marriage to her daughter who is aged about 17 ½ years with the second petitioner. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are an innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor would submit that the first petitioner has arranged marriage to her daughter who is aged about 17 ½ years with the second petitioner. Further, he stated that the victim girl got pregnant. Therefore, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Admittedly it was the arranged marriage, due to which the second petitioner and the victim girl living together and also got pregnant living happily and on perusal of the victim's statement under Section 164 of Cr.P.C also reveals the same.

6. Considering the above facts and circumstances of the case, the custodial interrogation of the petitioners is not necessary. Hence this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Additional Mahila court Salem, Salem District, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten 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, 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
06/06/2022

WEB COPY

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 ADDITIONAL MAHILA COURT
SALEM, SALEM DISTRICT

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SALEM TOWN, SALEM DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.PRAKASAM Advocate on payment of necessary charges

CRL OP.13023/2022

Date :06/06/2022

JPA 09/06/2022