



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13290 of 2022

R.PRABU

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
KRISHNAPURAM POLICE STATION,
DHARMAPURI DISTRICT.
(CRIME NO.60 OF 2022)

[RESPONDENT]

For Petitioner : M/S.J.BHARATHI RAJA 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 petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 9 of Prohibition of Child Marriage Act, 2006 in Crime No. 60 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the victim girl aged about 17 years fell in love with the petitioner. Thereafter the victim girl eloped with the petitioner and got married at Murugan Temple, Puliampatti and after that the victim girl was staying with the petitioner. It is the further case of the prosecution is that after receiving the call at 1098 Helpline Number, the victim girl was traced and secured by the Social Welfare Extension Officer and handed over to the Child Protection Home at Dharmapuri. Hence, a case has been registered as against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is ready and willing to register the marriage and produce the same. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the victim girl's date of birth is 15.07.2004 and she eloped with the petitioner and got married. On complaint, the victim girl was secured by the Social Welfare Extension Officer and handed over to the Child Protection Home at Dharamapuri. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

6. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Sessions Judge, Mahila Court, Dharmapuri, on condition that the petitioner shall execute a 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 petitioner 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 petitioner shall register his marriage with the minor victim girl, immediately on her attaining majority i.e., on or before 30.07.2022, before the concerned Register Office and shall produce the registration certificate before the respondent Police. Failing which, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the respondent Police shall secure the petitioner and proceed in accordance with law.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

WEB COPY

-sd/-
09/06/2022

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 SESSIONS JUDGE,
MAHILA COURT, DHARMAPURI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.J.BHARATHI RAJA Advocate on payment of necessary
charges SR.No.8789

CRL OP.13290/2022

Date :09/06/2022

CSK 27/06/2022