



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.13279 of 2022

PERUMAL @ BABLU

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KRISHNAGIRI,
KRISHNAGIRI DISTRICT
CRIME NO. 16 OF 2022

[RESPONDENT]

For Petitioner : M/S E.KANNADASAN Advocate

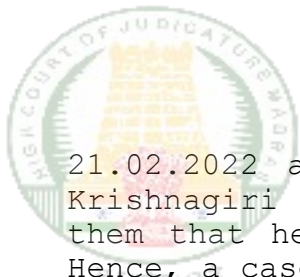
For Respondent : MR.A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

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 Sections 9 & 10 of the Prohibition of Child Marriage Act, 2006 in Crime No. 16 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant received an information through Child Help Line, Krishnagiri, informing that the parents of the victim girl, aged about 14 years, are arranging marriage to their daughter. On receipt of intimation, on 08.02.2022, the defacto complainant rescued and produced the victim girl to the District Child Welfare Committee, Krishnagiri. During enquiry, they advised her parents not to perform her marriage before attaining majority and directed them to admit the victim girl in the school and produce the certificate before them. As per the advise of the District Child Welfare Committee, Krishnagiri, on 11.02.2022, the victim girl was produced before them and she submitted her school certificate. Thereafter, the defacto complainant came to know that on 14.02.2022 at about 4.00 a.m, the victim girl's parents performed her marriage with the petitioner and informed the same to the District Child Welfare Committee on



21.02.2022 and on 26.02.2022 the District Child Welfare Committee, Krishnagiri conducted enquiry from the victim girl and she informed them that her marriage was performed with petitioner on 14.02.2022. Hence, a case has been registered as against the petitioner.

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3. The learned counsel for the petitioner would submit that the parents of the victim girl had informed the petitioner and his parents that their daughter age was 18 years and then only the petitioner had agreed for the marriage with the victim girl. After conduct of enquiry by the District Child Welfare Committee, Krishnagiri only he and his family they came to know about the age of the victim. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the age of the victim girl is 14 years and the age of the petitioner is 28 years. He further submitted that the marriage was performed by the parents of the victim girl. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Admittedly, it is an arranged marriage. Though, the victim girl is aged about 14 years, the parents only arranged the marriage with the petitioner, so that their daughter would live happily. Only on the complaint lodged by the District Child Welfare Committee, a case has been registered as against 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 Judicial Magistrate No.II, Krishnagiri, 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 report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.



[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.

-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 JUDICIAL MAGISTRATE,
NO.II, KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KRISHNAGIRI DISTRICT

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE DISTRICT CHILD WELFARE
COMMITTEE, KRISHNAGIRI

CC to M/S E.KANNADASAN Advocate on payment of necessary charges
Sr.8892

CRL OP.13279/2022

Date :09/06/2022

RVR 27/06/2022