



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.02.2022

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PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.3430 of 2022

1.Alagurani
2.Arumugam
3.Samaiyan Servai
4.Sudha @ Jeyasudha
5.Sharmi @ Sharmiladevi
6.Leelavathi

... Petitioners/Accused No.5,8,9 to 12

Vs.

State rep.by
The Inspector of Police,
All Women Police Station,
Aundipatti,
Theni District.
Crime No.24 of 2021.

... Respondent/Complainant

For Petitioners : Mr.C.Susi Kumar,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

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

PRAYER :-For Anticipatory Bail in Crime No.24 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9, 10, 11 and 6 of Prohibition of Child Marriage Act, 2006, in Crime No.24 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage was solemnized between the first accused and the victim girl, who was aged 17 years, in front of both family members. Thereafter, on 26.03.2020, the victim girl, blessed with one female child in the Government Hospital at Kandamanur Vilakku. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the first petitioner is the mother, petitioners 2 and 3 are the grandfathers and the petitioners 4 to 6 are the aunts of the first accused and as against them the Prohibition of Child Marriage Act was invoked.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the first accused had married the victim girl, who was then aged 15 years that subsequently, she gave birth to a child and at the time of delivery, on the complaint given by the victim girl, FIR came to be registered. He would further submit that the anticipatory bail plea of the first accused was dismissed by this Court.

5.Considering the nature of the charges levelled against the petitioners and also taking note of the fact that the petitioners are not having any bad antecedents and that the victim girl is now at Home, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Mahila Court, Theni, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners 1, 4, 5 and 6 shall report before the respondent police as and when required for interrogation.

(c)the petitioners 2 and 3 shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(d)the petitioners shall not tamper with the 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 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**



(g)if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/02/2022

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/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE,
MAHILA COURT, THENI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AUNDIPATTI, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3430 of 2022
Date :18/02/2022

das
MK/PN/SAR.I/24.02.2022/3P/5C