



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/04/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7213 of 2022

Latha

... Petitioner/Accused No.5

Vs

State rep.by
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
(Crime No.70/022).

... Respondent/Complainant

For Petitioner : M/s.Jothi Basu.M., Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

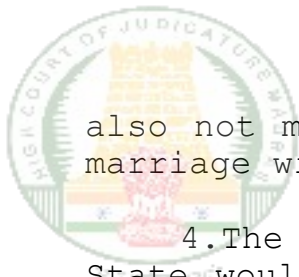
For Anticipatory Bail in Crime No.70 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 9 of Prohibition of Child Marriage Act, 2006, in Crime No.70 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that on 04.03.2022, the petitioner along with other accused had performed the marriage of the victim girl, who is aged about 13 years, with the first accused. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the mother of the victim girl and that though the marriage was solemnized, but not consummated. He would further submit that due to poverty and since the petitioner's husband was



also not mentally alright, she has decided to conduct her daughter marriage with the first accused.

4. The learned Government Advocate (Crl. Side) appearing for the State would submit that the first accused was already arrested and is in judicial custody. He would further submit that the accused 2 and 3 are the parents of the first accused and the fourth accused is the father of the victim girl.

5. Considering the nature of the offence alleged and also the fact that the first accused was already arrested and that the petitioner is not having not bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No. II, Sivakasi, on condition that the petitioner shall execute a bond for a sum of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

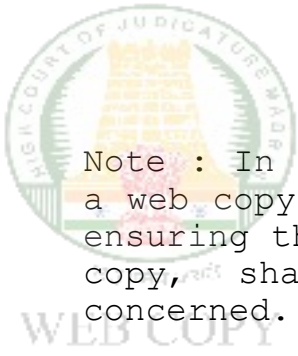
Sd/-

26/04/2022

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/ /2022

Sub-Assistant Registrar (C.S.II)
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 NO.II,
SIVAKASI.

2.-DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3.THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.M.LAW OFFICE,JOTHI BASU.M. Advocate SR.No.3860

ORDER

IN

CRL OP(MD) No.7213 of 2022

Date :26/04/2022

SP/JM/SAR II/05/05/2022/3P/6C