



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 06/09/2022  
PRESENT

**The Hon`ble Mrs.Justice R.THARANI**

CRL OP(MD). No.11476 of 2022

Ayyappan

... Petitioner/Sole Accused

**Vs**

The State rep.by  
The Inspector of Police,  
All Women Police Station,  
Vadamadurai,  
Dindigul District.  
(Crime No. 2 of 2022).

... Respondent/Complainant

For Petitioner : M/s.KISHOK KUMAR.V.S,  
Advocate.

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

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

**PRAYER :-** For Anticipatory Bail in Crime No.2 of 2022 on the file of the respondent Police.

**ORDER :** The Court made the following order :-

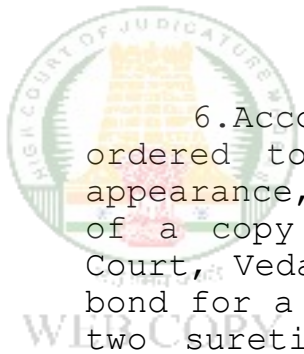
The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 9 of Prohibition of Child Marriage Act, 2006, in Cr.No.2 of 2022, seeks anticipatory bail.

2.The case against the petitioner is that on 15.02.2021, the petitioner married a minor girl.

3.On the side of the petitioner, it is stated that a false case was foisted against the petitioner. There was only a marriage talk between the petitioner and the victim and both of them are living separately. Now the petitioner and the victim attained majority and prayed the petitioner to be released on anticipatory bail.

4.On the side of the prosecution, it is stated that the victim was 17 years at the time of occurrence and it is fairly admitted that the petitioner and the victim are living separately and the victim is studying in college.

5.In view of the above, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



6. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Vedasandur, 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 daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(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/-

06/09/2022

/ TRUE COPY /

/09/2022

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  
VEDASANDUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
VADAMADURAI,  
DINDIGUL DISTRICT.

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

**ORDER**

**IN**

CRL OP(MD) No.11476 of 2022  
Date :06/09/2022

SJI  
SA/VRS/SAR.2/14.09.2022/3P/5C