



WEB COPY

CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.14904 of 2022

1. Duraisamy,

2. Arukkani,

3. Mariappan,

4. Rasathi,

... Petitioners/Accused Nos. 2 to 5

Vs

State Rep.by

The Inspector of Police,

All Women Police Station,

Karur,

Karur District.

Cr. No. 20/2021.

... Respondent/Complainant

For Petitioners : Mr.R.Mathiyalagan, Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

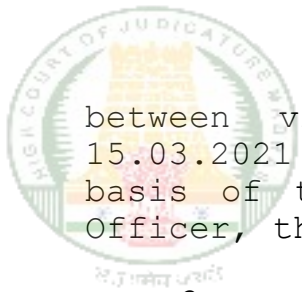
For Anticipatory Bail in Crime No.20 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 9 and 10 of Child Marriage Act,2006 in Crime No.20 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on information the defacto complainant who is the Social Welfare Officer made enquiry and on enquiry it was revealed that the marriage was performed

<https://www.mhc.tn.gov.in/jcds>



between victim girl namely Hemalatha with one Dharm on 15.03.2021 at Malaikovilur Murugan Temple, Aravakurichi. On the basis of the above said information given by the Social Welfare Officer, the case has been registered.

3. During the course of investigation the victim girl was subjected for examination under Section 164(5) of Cr.P.C and she has not stated anything about the marriage and simply stated that no such marriage was performed and only marriage proposal was made and she also stated that she will get married only after attaining majority.

4. From the perusal of the records it is seen that the marriage was performed in the above said temple and investigation has to be conducted with the above said temple authorities as to whether the any such marriage has taken place in the said temple on the date of complaint, sofar investigation has not been taken on this line, but only statement of the Village Administrative Officer has been recorded.

5. The learned Government Advocate (Crl.Side) would submit that A1 in this case was granted bail by the Mahila Court.

6. Considering the nature of offence, the overt act attributed against the petitioners, and the fact that A1 was granted bail by the Mahila Court, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the Additional Mahial Court, Karur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
01/09/2022

/ TRUE COPY /

08/09/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE ADDITIONAL MAHILA JUDGE,
KARUR.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KARUR, KARUR DISTRICT.

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

+1 CC to M/s.R.MATHIYALAGAN, Advocate (SR-9544[I] dated 02/09/2022)

ORDER

IN

CRL OP(MD) No.14904 of 2022

Date :01/09/2022

AAV

PKP/SVR/SAR-1/08.09.2022/3P/5C