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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 15/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.16614 of 2022

1. Krishnan
2. Palaniyammal

... Petitioners/Accused
No.1 & 2

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Karur District.
(Crime No.24 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Aravind Raj R, 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.24 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused 1 and 2, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 366 of IPC and Sections 9 and 10 of the Protection of Child Marriage Act, 2006, in Crime No.24 of 2022, on the file of the respondent police seek anticipatory bail.

2.The case of the prosecution is that the petitioners are husband and wife and there is no children out of their wedlock, the second petitioner alleged to have arranged second marriage for her husband with her brother's daughter and the marriage was solemnized on 13.04.2022 with the aid of parents of the victim girl. Hence, the complaint.



3. On the side of the petitioners, it is stated that the petitioners are innocent and there was no solemnization of marriage between the first petitioner and the victim girl and prayed the petitioners to be released on anticipatory bail.

4. On the side of the prosecution, it is stated that the petitioners/A1 & A2 are husband and wife and A3 and A4 are the parents of the victim girl. The victim girl is aged about 17 years at the time of occurrence and the investigation is pending.

5. Considering the nature of the offence and on considering the age of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this petition is allowed and 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 Additional Mahila Court, (JM Level), Kaurur, 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 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 petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners 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 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 5560]**; and;



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

Sd/-
15/09/2022

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

SJI

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 JUDGE, ADDITIONAL MAHILA COURT,
(JUDICIAL MAGISTRATE LVEL), KARUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARUR, KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. ARAVIND RAJ R Advocate SR.No.10116

ORDER
IN
CRL OP(MD) No.16614 of 2022
Date :15/09/2022