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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17/11/2022
PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.19814 of 2022

1. Saraswathi,
2. Ramaraj,
3. Eswaran,
4. Narayanan,
5. Annapushpam,
6. Soundarya,
7. Ashokumar,

... Petitioners/Accused A2,A3
A5 TO A9

Vs

The State rep.by
The Sub Inspector of Police,
All Women Police Station,
Bodi, Theni District.
Cr.No.28/2022.

... Respondent/Complainant

For Petitioners : M/s.Balakarthick S,
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.28/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2, A3, A5 to A9, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, in Crime No.28 of 2022, seek anticipatory bail.

2.The allegation against the petitioners is that the petitioners had compelled the de-facto complainant to marry the

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



first accused and thereafter, performed marriage with the first accused. Hence the complaint.

3. The learned counsel 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 A1 was already arrested and released on bail. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that there are nine accused in this case and the petitioners are arrayed as A2, A3, A5 to A9. The de-facto complainant is aged about 17 years at the time of marriage. The statement of the de-facto complainant is recorded under Section 164 of Cr.P.C. He would further submit that six witnesses have been examined and the investigation is still pending. Hence, he prayed for dismissal of this petition.

5. Considering the facts and circumstances of the case and also considering the statement recorded under Section 164 of Cr.P.C. given by the de-facto complainant and also the facts that the co-accused was already released on bail and six witnesses have been examined so far, 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 their 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, Bodinayakanur, 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 until further orders.

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

(d) the petitioners 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 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;



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22

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

sd/-

17/11/2022

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

TO

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

+1. CC to M/S.BALAKARTHICK S Advocate SR.No.55982 (F)
Date:18/11/2022.

ORDER

IN

CRL OP(MD) No.19814 of 2022
Date :17/11/2022

SJI

SA/SSS/SAR. /25.11.2022/3P/6C