



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.12.2022
CORAM
THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA
CRL.O.P (MD)No.20907 of 2022

WEB COPY

Rajkumar

...Petitioner/Sole Accused

-vs-

State rep.by
The Inspector of Police,
All Women Police Station,
Theni District.
(in Crime No.58 of 2022)

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest in Cr.No.58 of 2022 on the file of the Respondent Police.

For Petitioner : Mr.C.Susi Kumar, Advocate

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

O R D E R

(*)The petitioner, 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.58 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution as per the de-facto complainant is that the petitioner had performed child marriage with a minor victim girl. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would further submit that the petitioner is the maternal uncle of the minor victim girl. He would further submit that there was a love affair between them and that on suspicion that they have married, a false complaint has been given. He would further submit that a statement from the victim girl under section 164 of Cr.P.C. has also been recorded, wherein, she is alleged to have stated that there was no such marriage. Hence, he seeks for bail

4.The learned Government Advocate (Crl.side) would submit that the petitioner is the maternal uncle of the victim minor girl. He had performed child marriage. However, he would submit that there is no allegation of sexual assault.

5.Taking into consideration the facts and circumstances of the case and on perusing the 164 Cr.P.C. statements of the victim girl, 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 his appearance, within a period of



fifteen days from the date on which the order copy made ready, before the learned Additional Mahila Court, Theni, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders.

[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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-
06/12/2022

**(*)BEING MENTIONED AS PER ORDER
OF THIS COURT DATED 22.12.2022
IN CRL OP(MD)NO.20907 OF 2022**

**TIME FOR SURRENDER AND FOR
EXECUTION OF SURETIES BY THE
PETITIONER IS EXTENDED FOR A
FURTHER PERIOD OF TWO WEEKS
FROM THE DATE OF RECEIPT OF A
COPY OF THIS ORDER.**

/ TRUE COPY /



TO

1. THE JUDGE, ADDITIONAL MAHILA COURT,
THENI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THENI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.20907 of 2022

Date :06/12/2022

SP/SSS/SAR IV/14/12/2022/3P/4C

RK/BUC/SAR-3(03.01.2023) 3P/4C