



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22937 of 2022

1.Balamurugan
2.Kalyanasundaram
3.Periysamy

... Petitioners/Accused No.2 to 4

-vs-

The State represented by
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
(Cr.No.166 of 2022)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.166 of 2022 on the file of the respondent Police.

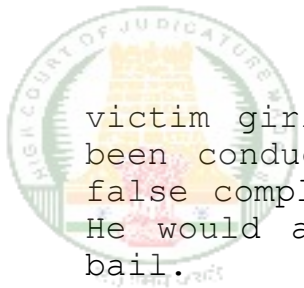
For Petitioners	: Mr.AK.Azhagarsamy Advocate
For Respondent	: Mr.K.Sanjai Gandhi Government Advocate (Crl.side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Section 9 of Prohibition of Child Marriage Act, in Crime No.166 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the petitioners, who are relatives of A1, have helped in performing child marriage with the victim girl, who is 15 years old. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that the first petitioner is the father of A1 and the second petitioner is the father of the victim girl and the third petitioner is the owner of the place, where the alleged marriage is stated to have been performed. He would further submit that the marriage was a love affair between the first accused and the



victim girl and to confirm the marriage, a betrothal function has been conducted, other than that, nothing had happened, whereas, a false complaint has been given, as if child marriage was performed. He would also submit that A1 has been arrested and enlarged on bail.

WEB COPY

4.The learned Government Advocate (crl.side) would submit that that the petitioners, who are relatives of A1, have helped in performing child marriage with the victim girl, who is 15 years old. He would oppose to grant anticipatory bail to the petitioners.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., 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 arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Sivakasi, Virudhunagar District, on condition that the petitioners shall execute 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 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 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 everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday 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]**.



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

sd/-
23/12/2022

WEB COPY

/ TRUE COPY /

/01/2023

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

CMR

TO

1. THE JUDICIAL MAGISTRATE,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.22937 of 2022
Date :23/12/2022

USK/SSS/SAR-I/04.01.2023/3P/5C