



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

PRESENT

WEB COPY

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

CRL.O.P (MD) No.2002 of 2023

Sathishkumar

...Petitioner/Accused No.1

-VS-

The State represented by
The Inspector of Police,
Ramanatharpuram Bazar Police Station,
Ramanathapuram District.
(in Cr.No.73 of 2018)

...Respondent/Respondent

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 by the respondent Police with respect to Cr.No.73 of 2018.

For Petitioner : Mr.A.Ramalingam, 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 Sections 9, 10 and 11 of Prohibition of Child Marriage Act in Crime No.73 of 2018 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 has married a minor child in the presence of other accused. 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 also submit that earlier the petitioner and other accused were granted anticipatory bail by this Court, in Crl.O.P.(MD)No.7435 of 2018, dated 28.04.2018. Since the petitioner did not give surety, the earlier order got lapsed and hence, the present petition has



4.The learned Government Advocate (Crl.side) would submit that earlier the petitioner was granted anticipatory bail by this Court in Crl.O.P.(MD)No.7435 of 2018, dated 28.04.2018. However, the petitioner did not surrender before the Court and produce surety and thereby, the earlier order got lapsed. Hence, he would object for grant of anticipatory bail to the petitioner.

5.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 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 Judicial Magistrate No.I, Ramanathapuram, 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] the petitioner shall surrender his original passport before the learned Judicial Magistrate No.I, Ramanathapuram.

[f] 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]**.



CRL.O.P(MD)



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[g] If the accused thereafter absconds, a fresh FII registered under Section 229A IPC.

sd/-

02/02/2023

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

cmr

TO

1.THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
RAMANATHARPURAM BAZAR POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-1708[I] dated
02/02/2023)

ORDER

IN

CRL OP(MD) No.2002 of 2023

Date :02/02/2023

RK/VR/SAR-3 (13/02/2023) 3P/6C