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CRL OP(MD).



23

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

Date : 10/02/2023

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.1913 of 2023

1. Govindarajan

2. Ramar

3. Muthulakshmi

4. Ramachandran

5. Devi

... Petitioners/
Accused No.1,2,3,9&10

Vs

The State rep.by,
Inspector of Police,
All Women Police Station,
Sivagangai,
Sivagangai District.
(In Crime No.23 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Vikram.S,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.23 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, A9 & A10, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9, 10 and 11 of Prohibition of Child Marriage Act, 2006 in Crime No.23 of 2021 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the all the performed the marriage of the minor child. Hence, the case.

3.The learned counsel for the petitioners would submit that the first petitioner is the alleged proposed bride groom and the petitioners 2 and 3 are the parents of the victim girl and the petitioners 4 and 5 are the parents of A1. He would further submit that there was only a marriage proposal and other than that the petitioners have not committed any offence. He would further submit that the petitioners understand that a statement has also been recorded from the victim girl under Section 164 of Cr.P.C., wherein, she had stated that there was only a proposal and there was no marriage. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) appearing for the respondent would submit that all the accused performed the marriage of the minor child and hence, he would object for grant of anticipatory bail. He would further submit that the statement of the victim girl has been recorded under Section 164 of Cr.P.C.

5.Heard. Perused the materials available on record including the First Information Report and the statement recorded from the victim girl under Section 164 of Cr.P.C.

6.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

7.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 Additional Mahila Court, Sivagangai, 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 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 1, 2 and 4 shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders; and the petitioners 3 and 5 shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;



[c] the petitioners shall not tamper with evidence or either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

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[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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

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

sjj

TO

1.THE ADDITIONAL MAHILA JUDGE, SIVAGANGAI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIVAGANGAI,
SIVAGANGAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.1913 of 2023

Date :10/02/2023

RK/BUC/SAR-2 (21/02/2023) 3P 4C