



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

Date : 07/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.1976 of 2023

1. Janul Abudeen @ Zainul Hussain,
2. Sithik Fathima @ Sithi Farina,
3. Ahamed Fazal @ Fazal Mohammed,

... Petitioners /
Accused No.6 to 8

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Pattukottai,
Thanjavur District.
(Crime No.22 of 2022.)

... Respondent /
Complainant

For Petitioner : M/s.Sasikumar.V, Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.22 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A6 to A8, 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.22 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners performed marriage with the minor victim girl with A1. Based on the complaint



given one Juliya, who is working as a Case worker, One Sta: re
Seva Sangam (District Social Welfare Department), Thanjavur, the
present case has been registered against the petitioners.

3.Heard. Perused the materials available on record including
the First Information Report.

4.Even according to the case of the prosecution, no such
marriage had taken place and only the engagement was done.
Therefore, the custodial interrogation of the petitioners does not
require in this case. On perusal of the statement recorded from the
victim girl under Section 164 of Cr.P.C. reveals that there is no
sexual assault between the victim girl and the first accused.

5.Considering the above facts and circumstances of the case,
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, Pattukottai, Thanjavur
District, 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 and 3 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; and the second
petitioner shall report before the respondent police as and when
required for interrogation.

[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
Magistrate/Trial Court himself as laid down by the Hon'ble



Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SC .

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

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07/03/2023

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

SJI

To

1.The Judicial Magistrate,
Pattukottai, Thanjavur District.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
All Women Police Station,
Pattukottai,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/S.SASIKUMAR.V Advocate SR.No.3624(I) dated 08.03.2023

ORDER
IN
CRL OP(MD) No.1976 of 2023
Date :07/03/2023

ED/MMS/SAR-3 (15/03/2023) 3P 6C