



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05/05/2023
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.8443 of 2023

1. Palani @ Palaniraj,

2. Ramuthai,

... Petitioners/Accused No.2 & 3

Vs

The State rep.by
The Inspector of Police,
All Women Police Station
Uthamapalayam
Theni District.
Crime No.26 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Anand R.,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

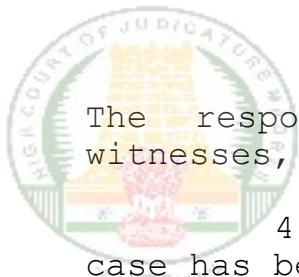
PRAYER :- For Anticipatory Bail in Crime No.26 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 9 and 10 of the Prohibition of Child Marriage Act 2006, 366, 376(3) of IPC and Section 5(1) r/w 6, 12 and 17 of Prohibition of Children from Sexual Offences Act, 2012 in Crime No.26 of 2022, seek anticipatory bail.

2.The case of the prosecution is that while the victim of the present case was studying 9th standard, she had fallen in love with one Vijay and in order to prevent her from such affair, the parents of the girl said to have arranged a marriage with the son of the petitioners by name Raja and the marriage was also taken place on 06.06.2022.Hence, this complaint.

3.On the side of the petitioners, it is stated that the petitioners never arranged any marriage to the alleged victim girl. The petitioners have opposed the conduct of the alleged victim girl.



The respondent police instead of making the petitioners as witnesses, have unnecessarily linked them as accused.

4. On the side of the prosecution, it is stated that the case has been registered as against the petitioners for the offences punishable under Sections 9 and 10 of Prohibition of Child Marriage Act 2006, 366, 376(3) of IPC and Section 5(1) r/w 6, 12 and 17 of Prohibition of Children from Sexual Offences Act, 2012 and hence, the learned Government Advocate strongly opposes for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the age of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this Criminal Original petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Magistrate, Fast Track Mahila Court, Theni 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 daily 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 be present before the Court on hearing dates and before the respondent police as and when required;
- (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]**; and;



(f) if the accused thereafter absconds, FIR can be registered under Section 229-A IPC.

sd/-

05/05/2023

/ TRUE COPY /

WEB COPY

/05/2023

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

VRN

TO

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

ORDER

IN

CRL OP(MD) No.8443 of 2023

Date :05/05/2023

SA/VR/SAR.3/09.05.2023/3P/4C