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CRL OP(MD). N



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/06/2023

PRESENT

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

CRL OP(MD). No.10881 of 2023

1. Kalaimurugan,
2. Kalimuthu,
3. Guruvammal,
4. C.Murugasamy,
5. Marikannan, ... Petitioners/Accused 1,2,5,6,7

Vs

The state rep.by
The Inspector of Police,
All Women Police Station,
Srivilliputhur, Virudhunagar District.
(Crime No. 16 of 2023)

... Respondent

For Petitioners : M/s Mohanasundaram.M,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor(Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 16 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 9 and 11 of Prohibition of Child Marriage Act, in Crime No. 16 of 2023 on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution as per the complainant is that the petitioners and other accused have solemnized marriage between the Minor child, who is aged about 15 years and the first petitioner.

3. Heard both sides and perused the materials available on record, including the First Information Report.

4. It is seen that the victim is aged about 15 years and her marriage was arranged by her family members. On the complaint lodged by the Social Welfare Officer, the F.I.R has been registered. However, the first petitioner is living with the victim and also on perusal of the statement recorded under Section 164 Cr.P.C, revealed that she is aged about 16 years. Only on the arrangement made by the family members, the marriage was solemnized. Therefore, custodial interrogation of the petitioners could not necessary.

5. Taking into consideration of the facts and circumstances of the case and also the fact that the first petitioner and the victim are living together, 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, Additional Mahila Court, Srivilliputhur, Virudhunagar 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:

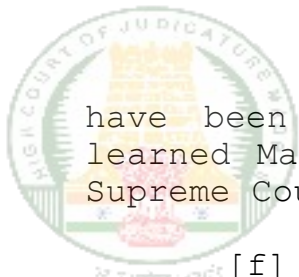
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] the petitioners 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. 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/-

20/06/2023

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/06/2023

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

TO

1. The Judicial Magistrate,
Additional Mahila Court,
Srivilliputhur,
Virudhunagar District.
 2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District @ Srivilliputhur.
 3. The Inspector of Police,
All Women Police Station,
Srivilliputhur,
Virudhunagar District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1. CC to M/S MOHANASUNDARAM.M Advocate SR.No.9145.

ORDER

IN

CRL OP(MD) No.10881 of 2023

Date :20/06/2023

LS

SI/VS/ (26.06.2023) 3P/ 6C