



CRL OP(MD). No.19682 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

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Amutha,

... Petitioner/ Accused Rank Not Known

Vs

**State Rep.by
The Inspector of Police,
All Women Police Station,
Musiri, Trichy District.
Crime No. 28 of 2023.**

... Respondent/ Complainant

**For Petitioner : K Arunraj,Advocate.
For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor**

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

PRAYER :-

For Anticipatory Bail in Crime No. 28 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

**The petitioner / accused, who apprehends arrest at the hands of the
respondent police for the offence punishable under Sections 9 and 10 of Prohibition of**

<https://www.nhmc.tn.gov.in/judis>



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Child Marriage Act, 2006, in Crime No.28 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner has conducted the marriage of her child against the Act with the help of the other accused. Hence, the case.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and her name has been falsely implicated in this case and he prays for granting anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner herein is the mother of the victim and the co-accused have already granted anticipatory bail by this Court in Crl.O.P(MD). No.17768 of 2023 on 05.10.2023. He would further submit that investigation of the case is pending and hence, he strongly objected to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the fact that the co-accused have already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following 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 of receipt of



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a copy of this order, before the learned Judicial Magistrate, Musiri, 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 learned Magistrate concerned and on further conditions that:

[a] the petitioner and the sureties shall affix her photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the trial Court on receipt of summons as directed by the trial Court.

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner is 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].



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

229-A IPC.

sd/-
06/11/2023

/ TRUE COPY /

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE JUDICIAL MAGISTRATE,
MUSIRI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MUSIRI, TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.K.ARUNRAJ, Advocate (SR-15980[I] dated 06/11/2023)

ORDER
IN

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Date :06/11/2023

PKP/JGB/SAR- /07.11.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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