



Crl.O.P.No.12025 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2024

CORAM

THE HON'BLE MR. JUSTICE **R.SAKTHIVEL**

Crl.O.P.No.12025 of 2024

1. Bharanikumar
2. Chella Shetty
3. Chennamma
4. Selvi Seenivasan

... Petitioners/ Accused

Vs.

The State rep. by
The Inspector of Police,
All Women Police,
Bargur,
Krishnagiri District.
(Crime No.06 of 2024)

...Respondent/Complainant

PRAYER: The Criminal Original Petition filed under Section 438 of the Criminal Procedure Code, 1973, praying to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.06 of 2024 on the file of the respondent police.

For Petitioners : Mr.T. Shanmugam

For Respondent : Mr.C.E.Pratap

Government Advocate (Crl. Side)



Crl.O.P.No.12025 of 2024

WEB COPY

He further submitted that the 2nd, 3rd & 4th petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

5. The learned Government Advocate appearing for the respondent submitted that petitioners performed child marriage to the victim minor girl aged about 16 years. Hence, he opposed for grant of anticipatory bail to the petitioner.

6. Heard on both sides'. This Court has perused the records.

7. In view of the endorsement made by the learned counsel for the petitioner with respect to 1st petitioner, this Criminal Original Petition is dismissed as against the 1st accused. As far as the 2nd, 3rd & 4th petitioners are concerned, they have permanent residence and have deep roots in the society. Hence, there is less possibility of absconding. Petitioners are the first offenders and they have no previous case. Hence, with a view to give one more opportunity to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the 2nd, 3rd & 4th petitioners subject to the following conditions.

(i) The 2nd, 3rd & 4th petitioners shall be released on bail in the



Crl.O.P.No.12025 of 2024

event of their arrest or in the event of their surrender before the learned **Judicial Magistrate Bargur, Krishnagiri**, within a period of 15 days from today, on executing a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) each along with two sureties each for a like sum of Rs.20,000/- to the satisfaction of the learned **Judicial Magistrate Bargur, Krishnagiri**.

(ii) The 2nd, 3rd & 4th petitioners shall appear before the **Secretary, Legal Service Authority, Krishnagiri** daily at 10.30.a.m., for a period of one week. In turn, the **Secretary, Legal Service Authority, Krishnagiri** shall give suitable advice regarding the position of law as well as about the consequence of child marriage. Thereafter, petitioners (2 to 4) shall appear and sign before the **respondent Police, daily at 10.00 a.m, until further orders;**

(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019]. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The 2nd, 3rd & 4th petitioners shall furnish their residence



Crl.O.P.No.12025 of 2024

address and mobile number to the learned **Judicial Magistrate Bargur, Krishnagiri;**

(v) The 2nd, 3rd & 4th petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(vi) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the 2nd, 3rd & 4th petitioners in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in ***P.K. Shaji vs. State of Kerala*** [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is dismissed in respect of the 1st petitioner and allowed in respect of 2nd, 3rd & 4th petitioners subject to the conditions stated supra.

17.05.2024

Index : Yes/No
Internet : Yes/No
Sma

Note:-



WEB COPY



CrI.O.P.No.12025 of 2024

1. Registry is directed to forthwith upload this order in the official website of this Court.
2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.

R.SAKTHIVEL. J.

Sma



Crl.O.P.No.12025 of 2024

WEB COPY

To

- 1.Judicial Magistrate Bargur, Krishnagiri
- 2.The Inspector of Police,
All Women Police,
Bargur,
Krishnagiri District.
- 3.The Public Prosecutor, High Court of Madras.

Crl.O.P.No.12025 of 2024

17.05.2024