



CrI.O.P.No.31980 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrI.O.P.No.31980 of 2024

1. Jayalakshmi
2. Lakshmi
3. Veeramani
4. Nathiya

... Petitioners

Versus

The State Represented by
The Inspector of Police,
AWPS Bargur,
Krishnagiri District.
(Crime No.6 of 2024)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of BNSS Act, 2023 to grant anticipatory bail in the event of their arrest in crime no.6 of 2024 on the file of the Inspector of Police, AWPS Bargur, Krishnagiri, District/ respondent.

For Petitioner : Mr.T.Shanmugam

For Respondent : Mr.R.Vinothraja
Government Advocate (CrI. Side)



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ORDER

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006, in Crime No.6 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners performed child marriage to the victim minor girl aged about 16 years. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioners have no connection with the alleged child marriage and only attended the engagement ceremony of a relative upon invitation. The first and second petitioners are the aunt and mother of the first accused, the third petitioner is the sister of the first accused, and the fourth petitioner is the husband of the third petitioner. All of them attended the function solely as invitees and have no involvement with the fact that the bride in question is a minor.

4. The learned Government Advocate (Crl. Side) submitted that accused persons 2 to 4 have already been granted anticipatory bail by an order passed by this Court in Crl.O.P. No. 12025 of 2024 dated 17.05.2024.



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5. In view of the same, I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

6. Accordingly, this Criminal Original Petition stands allowed and the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Learned Additional Mahila Court, Krishnagiri**, on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only), each with two sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Additional Mahila Court, 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 Additional Mahila Court,



Krishnagiri.

(ii) The 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 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 petitioners shall furnish their residence address and mobile number to the learned Additional Mahila Court, Krishnagiri;

(v) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;



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(vi) On breach of any of the aforementioned conditions, the learned Magistrate is entitled to pass appropriate orders against the 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]***.

27.12.2024

skr/dpa

To

1. The State Represented by
The Inspector of Police,
AWPS Bargur,
Krishnagiri District.
2. The Public Prosecutor,
High Court, Madras.
3. Learned Additional Mahila Court, Krishnagiri,



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L.VICTORIA GOWRI, J.

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