



CRL OP(MD) No.22746 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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VIVEK

... Petitioner / Accused No.1

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PUDUKKOTTAI.
(CRIME NO.17/2023)

... Respondent / Complainant

For Petitioner : M/s.C.Deepak, Advocate

For Respondent : Mr.SS.Madhavan,
Government Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO. 17 OF 2023 ON THE FILE
OF THE RESPONDENT POLICE.



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ORDER: The Court Made the following order :-

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The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 9, 10 and 11 of Prohibition of Child Marriage Act, 2006, in Crime No.17 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the Social Welfare Extension Office, Thiruvarangkulam, Alangudi Taluk, Pudukkottai District. On the information that the marriage was arranged between the petitioner and the minor victim girl at Sivan Temple, Thirukattalai on 16.11.2023, the defacto complainant went to the spot and enquired the minor victim girl. On enquiry, it was found that the victim girl and the petitioner loved each other. Since the petitioner is going to Singapur and come back to India after a period of 3 years, the elders in the both sides, decided to perform the marriage between the petitioner and the minor victim girl. Hence, a complaint has been lodged against the accused persons before the Law Enforcing Authority and the Law Enforcing Authority, registered a case against the accused persons.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the petitioner and the minor victim girl loved each other. Hence, the parents of both the petitioner and the



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minor victim girl decided to perform the marriage between the petitioner and the minor victim girl. On knowing the age from the officials from the Collector Office, they called off the marriage. Further, already, the parents of the petitioner and the victim girl were granted anticipatory bail by this Court. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that the petitioner tried to marry the minor victim girl. However, he fairly conceded that the parents of both the petitioner and the victim girl were granted anticipatory bail by this Court.

5. Considering the facts and circumstances of the case and also considering the facts that in fact, the parents of the petitioner and the victim girl arranged the marriage between the petitioner and the minor victim girl and they have already been granted anticipatory bail by this Court, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he 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 a copy of this order, before the Additional Mahila Court, Pudukkottai, 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



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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 and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;

(c) the petitioner shall report before the respondent police as and when required for interrogation;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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 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;



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

sd/-
03/01/2024

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1.The Judge,
Additional Mahila Court, Pudukkottai.

2.The Inspector of Police,
All Women Police Station,
Pudukkottai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.DEEPAK, Advocate (SR-96[I] dated 03/01/2024)

ORDER
IN
CRL OP(MD) No.22746 of 2023
Date :03/01/2024

ED/ JGB /SAR- (09/01/2024) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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