



CRL O.P. No.9100 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 27.03.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.9100 of 2025

S. Anand S/o. Samy

... Petitioner / Accused

Vs

State rep. by:-

The Inspector of Police,
AWPS - Arni Police Station,
Tiruvannamalai District.
[Cr. No.8 of 2025]

... Respondent

PRAYER:- The Criminal Original Petition is filed under Section 482 of

B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in

Cr. No.8 of 2025 on the file of the respondent police.

For Petitioner : Mr. Thirumoorthy.D.

For Respondent : Mr. S. Balaji,

Government Advocate

[Criminal side]

ORDER

The petitioner / Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9 and 10 of Child Marriage Act in connection with the case in Cr. No.8 of 2025,



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seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner and the victim girl are closely related to each other; that the petitioner had married the victim girl; that the victim girl, before marriage, was sexually abused by her own father; that the elders had asked the petitioner to marry the victim girl, who was aged about 16 years, at the time of marriage.

3. The learned counsel for the petitioner would contend that the marriage took place in the presence of the elders; and that in any case, considering the nature of allegations, custodial interrogation of the petitioner is not required and hence prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted the copy of the statement of the victim girl recorded under Section 183 B.N.S.S.



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5. A reading of the statement of the victim would suggest that the victim girl was subjected to sexual harassment by her own father and thereafter, she married the petitioner with the consent of the elders. The complaint was given by the Child Welfare Committee. Considering the nature of allegations and the statement of the victim, this Court is of the view that the custodial interrogation of the petitioner is not required for the purpose of investigation. Therefore, this Court is inclined to grant anticipatory bail to the petitioner on certain 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 a copy of this order, before the learned **Judicial Magistrate, Arni** 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 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



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bail shall stand dismissed and on further conditions that:

[a] the petitioner 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 petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with 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 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

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.



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To

- 1.The Judicial Magistrate, Arni.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, AWPS - Arni Police Station, Tiruvannamalai District.

SUNDER MOHAN. J.,

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