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Crl O.P.No.9556 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.04.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.9556 of 2025

K Subramani

Petitioner

Vs

The State Rep by,
The Inspector of Police,
Marandahalli Police Station,
Dharmapuri Distict.
(Crime No.40 of 2025)

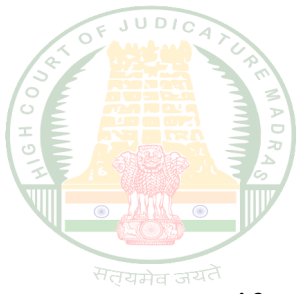
Respondent

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner /Accused on
anticipatory bail in the event of arrest in Crime No. 40 of 2025 pending
on the file of the respondent police.

For petitioner : M/s. Elumalai T
For Respondent : Mr.S.Balaji
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the
respondent police for the offences punishable under Section 194(3) of the
BNSS @ 108 of the BNS r/w Sections 9,10,11 of the Child Marriage Act,
in Crime No.40 of 2025, on the file of the respondent police, seeks
anticipatory bail.



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2. The case of the prosecution is that the second accused is the wife of the de facto complainant; that the first accused, at the instigation of the second accused, who is the mother of the victim girl, had married the victim girl aged 17 years against her wish; that therefore, the victim girl committed suicide and thus the accused committed the aforesaid offences and that the petitioner/A3, who was known to the second accused, was present during the marriage.

3. The learned counsel for the petitioner submitted that first and second accused were arrested and are still in custody, that the petitioner has nothing to do with the marriage between the first accused and the victim girl; that he was invited for the marriage; and that in any case, custodial interrogation of the petitioner is not required and sought for anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and confirmed the fact that first and second accused were arrested and are still in custody; the petitioner was known to the first and the second accused and attended the marriage.



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5. Considering the fact that the first and second accused were arrested and are still in custody, the fact that the petitioner was only present during the marriage, and since custodial interrogation of the petitioner is not required, 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 a copy of this order, before the **learned Judicial Magistrate, Palacode, Dharmapuri District** 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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.



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[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].

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

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To,

1. The Inspector of Police,
Marandahalli Police Station,
Dharmapuri Distict.
2. The Judicial Magistrate,
Palacode, Dharmapuri District.
3. The Public Prosecutor,
Madras High Court.

SUNDER MOHAN, J.



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