



Crl.OP.No.12046 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 23.04.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.12046 of 2025

1.Muthu

2.Jamani @ Jemini

.. Petitioners/Accused 2 and 3

Vs.

The State rep by
The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri District.
(Crime No.22 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the
event of their arrest in Crime No.22 of 2025 on the file of the respondent
Police.

For Petitioners : M/s.Thirumalaivasan Pachiyappan

For Respondent : Mr.S.Balaji
Government Advocate(Crl.Side)



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ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 9, 11 of the Prohibition of Child Marriage Act 2006, in Crime No.22 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the petitioners who are the father and mother of the victim girl allegedly performed marriage of their minor daughter, aged about sixteen years and thereby committed the offence. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the allegations are false; and the petitioners have nothing to do with the alleged offence and in any case custodial interrogation of the petitioners is not required and prayed for anticipatory bail to the petitioners.

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 submitted that the complaint



was lodged by the Social Welfare Officer, Dharmapuri, based on the information received through child helpline 1098 with regard to the child marriage performed by the petitioners.

5. Though the act of petitioners cannot be justified, considering the aforesaid facts, the nature of allegations, and the relationship between the petitioners and the victim, this Court is of the view that custodial interrogation of the petitioners is not required for the purpose of investigation, and is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **Learned Additional Magalir Court, Dharmapuri,** on condition that the petitioners shall execute a separate 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



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arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioners 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 Petitioners in accordance with law as if the conditions have been imposed and the Petitioners 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 BNS.

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Index : Yes / No

Internet : Yes / No

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To

- 1.The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri District.
- 2.The Additional Magalir Court,
Dharmapuri.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

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