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CRL OP No. 15131 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-05-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15131 of 2025

1. Thiruvengadam
No.1/101, Mariamman Koil Street,
Thirukovilur, Aruthangudi, Villupuram
District.

2. Adhisivan
S/o.Murugesan, No.1/101, Mariamman
Koil Street, Thirukovilur, Aruthangudi,
Villupuram District.

3. Kowsalya
W/o.Athisivan, No.1/101, Mariamman
Koil Street, Thirukovilur, Aruthangudi,
Villupuram District.

Petitioner(s)

Vs

1. The State Rep By Its
The Inspector of Police, All Women
Police Station, Tirukovilur,
Kallakurichi District Cr.no.42 of 2025.

Respondent(s)



PRAYER

To enlarge the petitioners on bail in the event of their arrest in Cr.No.42 of 2025 on the file of the respondent police.

For Petitioner(s): Mr.Raji Rajkumar

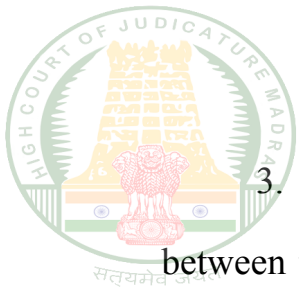
For Respondent(s): Mr.R. Vinothraja
Government Advocate (Crl.Side)

ORDER

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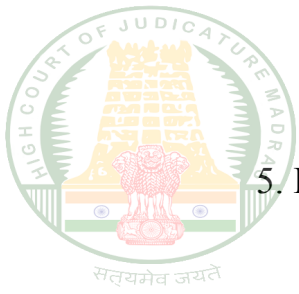
The petitioners, apprehend arrest for the alleged offences under Sections 85, 296(b) of B.N.S., 2023 r/w 9 and 10 of the Prohibition of Child Marriage Act, 2006, r/w. 5(n), 5(l), 5(j), (ii) r/w 6 of the POCSO Act, in Crime No.42 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are husband, father-in-law and mother-in-law respectively of the defacto complainant. Initially, a complaint was lodged by the de-facto complainant for the offence of dowry harassment, During investigation, it was found that when the de-facto complainant was aged 16 years, the marriage between the de-facto complainant and the 1st petitioner was performed on 20.11.2020. Hence, the case was registered under Sections, 85, 296(b) of BNS, 2023 r/w 9 and 10 of the Prohibition of Child Marriage Act 2006 r/w 5(n), 5(i), 5(i), (ii) r/w 6 of POCSO Act.



3. Learned counsel for the petitioners submitted that the marriage between the 1st petitioner and the defacto complainant had taken place only as per the family customs. It was an arranged marriage with the concurrence of both the parents of the 1st petitioner and the de-facto complainant and thereafter, a female child was also born to them, now aged 4 years. He further submitted that due to matrimonial dispute between the 1st petitioner and the de-facto complainant, a false case has been lodged by the de-facto complainant. He further submits that the petitioners are ready and willing to abide by any conditions that may be imposed by this Court and hence, he prays to grant anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl.Side) submitted that the de-facto complainant has lodged a complaint for dowry harassment and a case was registered in Crime No.42 of 025. Thereafter, during investigation, the respondent police found that the marriage between the 1st petitioner and the de-facto complainant was taken place, when she was a minor and hence, they registered a case under Sections, 85, 296(b) of BNS, 2023 r/w 9 and 10 of the Prohibition of Child Marriage Act 2006 r/w 5(n), 5(i), 5(i), (ii) r/w 6 of POCSO Act and investigation is yet to be completed. Hence, he opposed for grant of anticipatory bail to the petitioners.



5. Heard both sides and perused the materials available on record.

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6. Considering the above submissions, it is seen that primarily the defacto complainant lodged a complaint for dowry harassment and after investigation the case was altered to Sections 85, 296(b) of B.N.S., 2023 r/w 9 and 10 of the Prohibition of Child Marriage Act, 2006, r/w. 5(n), 5(l), 5(j), (ii) r/w 6 of the POCSO Act, and also considering the fact that it is an arranged marriage and there is a matrimonial dispute between the husband and wife, this court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate-I, Kallakurichi**, on condition that each of the petitioners 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 and on further condition that:

[a] 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., for a period of two weeks and thereafter, as and when required for further interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with evidence or witness 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 of B.N.S.

16-05-2025

ASI/UMA

Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code



To
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1. The Inspector of Police, All Women
Police Station, Tirukovilur, Kallakurichi
District Cr.No.42 of 2025.
2. The Judicial Magistrate-I,
Kallakurichi.
3. The Public Prosecutor,
High Court of Madras, Chennai.



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M.NIRMAL KUMAR J.

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