

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Nineteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.27802 of 2018

1 PARAMESWARI,
2 RAJASEKAR,

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY,
INSPECTOR OF POLICE,
J-8 NEELANGARAI POLICE STATION,
CHENNAI. CR.NO.1730 OF 2018

[RESPONDENT]

For Petitioner : M/S.M.MOHANA SUNDARAM Advocate

For Respondent : MRS.PRABHAVATHI, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 6 and 17 of the Protection of Children from Sexual Offences Act in Crime No.1730 of 2018 seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the victim girl was aged only about 17 years, and while she was studying in a college, her mother/first accused arranged marriage for her with the second accused without her consent. On 17.10.2018, the victim girl was forcibly taken to Thirukovilur and their marriage was solemnized. Thereafter, the second accused also had sexual intercourse with the victim girl by using force. Hence, the complaint.

4. The learned counsel for the petitioners would submit that the first petitioner is the mother of the victim girl and the second petitioner is the husband of the victim girl, and without her consent, marriage was solemnized on 17.10.2018, on because of the objections raised by the grand father of the girl. He would further submit that the petitioner is ready and willing to take the victim to the matrimonial home.

5. The learned Additional Public Prosecutor would submit that on 17.10.2018, the victim girl was forcibly taken to Thirukovilur and

their marriage was solemnized. Thereafter, the second accused also had sexual intercourse with the victim girl by using force.

6.Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from the date on which the order copy made ready, before learned Sessions and Mahila Court, Chengalpat, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of this Court 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 learned judge may obtain a copy of their Aadhar card or Bank pass Book to ensure his 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 229A IPC.

-sd/-

19/12/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS AND MAHILA COURT,
CHENGALPET.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

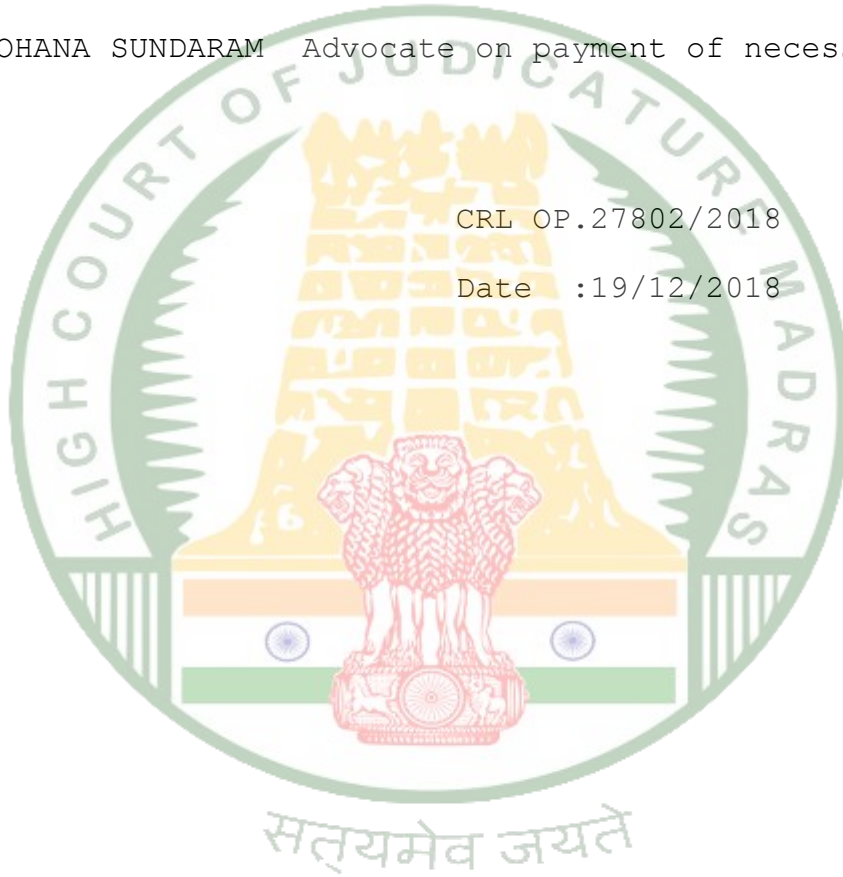
3 THE INSPECTOR OF POLICE,
J-8 NEELANGARAI POLICE STATION,
CHENNAI.

+1 CC to M.MOHANA SUNDARAM Advocate on payment of necessary
charges-Sr.24425

CRL OP.27802/2018

Date :19/12/2018

ths : 24.12.2018



WEB COPY