

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Third day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13035 of 2019

1 S.ASHOK KUMAR
2 A.MALATHY

[PETITIONERS / ACCUSED]

Vs

THE STATE REP.BY
INSPECTOR OF POLICE,
AWPS RS PURAM,
COIMBATORE.
CRIME NO.2 OF 2018

[RESPONDENT]

For Petitioner : M/S.N.STALIN Advocate

For Respondent : MRS.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5 and 7 of Protection of Child From Sexual Offences Act, 2012 in Crime No.02 of 2019, seek anticipatory bail.

2. The case of the prosecution is that the petitioners were arranged the marriage for the minor girl of the defacto complainant with A1. When the girl was in pregnant some misunderstanding arose between the couple and A1 leave her wife in paternal home and not returned. Hence, the complaint.

3. The learned counsel for the petitioner would submit that there are totally three accused in which the petitioners are arrayed as A2 to A3. The petitioners are son-in-law and daughter of the defacto complainant. The main allegation is that without the consent of the parents and the petitioners arranged marriage for the victim girl who aged about 16 years to the first accused. Except this, no specific allegations as against the petitioners and the present

petitioners are noway connected to the Crime as alleged by the prosecution. Therefore, the accused nos.2 and 3 pray to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal side) would submit that the allegation is that without the consent of the parents and the petitioners were arranged marriage for the victim girl who aged about 16 years to the first accused. Hence, she vehemently opposed to grant anticipatory bail to the petitioners 2 and 3.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 2 to 4 with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Mahila Court, (Sessions), Coimbatore, on condition that 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, 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 daily at 10.00 a.m. for two weeks and thereafter, 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/-
03/06/2019

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 JUDICIAL MAGISTRATE,
MAHILA COURT (SESSIONS),
COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AWPS RS PURAM,
COIMBATORE

CC to M/S.N.STALIN Advocate on payment of necessary charges

CRL OP.13035/2019

Date :03/06/2019

cm 10/06/2019