

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Thirteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.4421 of 2020

1 M.VALLI

[PETITIONER / ACCUSED]

2 M.RAMAKRISHNAN

Vs

THE INSPECTOR OF POLICE

[RESPONDENT]

THIRUNINDRAVUR POLICE STATION,

THIRUVALLUR DISTRICT.

CR.NO.292 OF 2019

For Petitioner : M/S.R.SASIKUMAR Advocate

For Respondent : MR.S.THANKIRA Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

1.The Petitioners herein, apprehending arrest at the hands of the Respondent Police, for having allegedly committed the offences punishable under Sections 376A of IPC and Sections 6, 9, and 10 of the POCSO Act and Section 8 of the Prohibition of Child Marriage Act, read with Section 18 of the POCSO Act, in Cr.No.292 of 2020, have filed this Criminal Original Petition, under Section 438 of Cr.PC, seeking anticipatory bail.

2.The case of the Prosecution, as per the defacto complainant, Gunasundari is that her daughter, Nalini, victim, was aged 17 years and studying 9th Standard and she was found missing from 22.3.2019 and based on the complaint given by the defacto complainant, a case in Cr.No.292 of 2019 was registered under the caption of "girl missing". During the investigation, it was found that one Harikrishnan, who was arrayed as A1 in this case, had abducted her and thereafter, the victim girl was secured and based on her statement, the case was altered into one under Section 376A of IPC and Sections 6, 9, and 10 of the POCSO Act and Section 8 of the Prohibition of Child Marriage Act, read with Section 18 of the POCSO Act. The Petitioners herein, who are respectively the step mother and the brother of A1, have abetted A1 to commit the alleged offences. Hence, they have been implicated as accused in the case on hand.

3.This court heard the learned counsel for the Petitioners and the learned Additional Public Prosecutor for the Respondent and also

perused the materials placed before this Court.

4. According to the Petitioners, the Petitioners are respectively the step mother and the brother of A1 and it is a case elopement, however, a statement was recorded as if the victim girl was forcibly kidnapped by A1 and thereafter, A1 was arrested and released on bail. The victim girl now attained majority. The Petitioners herein were allegedly stated to have abetted A1 to get marriage with the victim girl and other than that, there is no specific allegation against them as if they have abetted for the other offences. The Petitioners would abide by any conditions to be imposed by this Court for enlarging the Petitioners on anticipatory bail.

5. On the other hand, the learned Additional Public Prosecutor, while vehemently opposing to grant anticipatory bail, would submit that A1 abducted the victim girl, who was aged 17 years and forcibly committed rape on her.

6. Considering the facts and circumstances of the case and the submissions of the learned counsel on either side, this Court is inclined to grant anticipatory bail in favour of the Petitioners, however, on stringent conditions. Accordingly, the Petitioners are hereby ordered to be released on anticipatory bail, in the event of their arrest or on their appearance before the Mahila Court, Tiruvallur, within 15 days from the date of receipt of a copy of this order and further on each of the Petitioners complying with the following conditions, without fail:-

i. If the Petitioners fail to surrender before the Mahila Court, Tiruvallur, within a period of 15 days, from the date of receipt of a copy of this order, this order shall stand automatically cancelled, without any further reference to this Court.

ii. 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 Mahila Court, Tiruvallur. The sureties shall affix their Photographs and Left Thumb Impressions in the surety bonds and the said Magistrate may obtain copies of their Aadhar Cards or Bank Pass Books to ensure their identities.

iii. The Petitioners shall report before the Respondent Police, daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required, until further orders.

iv. The Petitioners shall not abscond either during the investigation or the trial. The Petitioners shall not tamper with evidence or witness, either during the investigation or the trial.

v. On breach of any of the aforesaid conditions, the concerned 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 are released on bail, by the concerned Trial Court itself, as laid down in the decision of the Honourable Supreme Court reported in **2005 AIR SCW 5560 (P.K.Shaji Vs. State of Kerala)**.

vi.If the Petitioners, thereafter, abscond, a fresh First Information Report shall be registered, under Section 229A of IPC.

-sd/-
13/03/2020

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 MAHILA COURT
TIRUVALLUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
THIRUNINDRAVUR POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR.NO. 5117

WEB COPY

CRL OP.4421/2020

Date :13/03/2020

RD 18/03/2020