

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 9383 of 2020

1.Suresh
2.Bhavani

.. Petitioners/Accused No.6 & 7

Vs.

The State represented by
The Inspector of Police,
All Women Police Station,
Tiruvannamalai.

... Respondent/Complainant

PRAYER: Criminal Original Petition is filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in Crime No.09 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.B.Jawahar
For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 366, 376(1) & 506(i) of IPC and Section 3(a) r/w Section 4 and 5 (1) r/w 6 and 17 of POCSO Act and under Section 9 and 11 of Prohibition of Child Marriage Act, 2006, in Crime No.09 of 2020, seek anticipatory bail.

2 The case of the prosecution is that the family members of the bride groom/A1 have brain washed the victim girl's father and got married the victim girl aged about 17 years. Thereafter, all the family members of A1 harassed the victim girl and also demanded huge dowry from the victim and her family members. Before that, she was kidnapped and the bride groom/A1 has tied Thali on the victim girl. Thereafter, she also had sexual intercourse forcibly.

3 The learned counsel appearing for the petitioners would submit that the petitioners are the parents of the victim girl. Against the victim girl will, the marriage took place between A1 and the victim girl. Further, he submitted that the petitioners never arranged any marriage for their daughter aged about 17 years. Hence, he prays to grant anticipatory bail to the petitioners.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally seven accused persons

in this case and the petitioners/ A6 and A7 are the parents of the victim girl. He further submitted that the victim girl aged about 17 years was kidnapped by A1 and against her will, first accused got married with the victim girl. Thereafter, he also had sexual intercourse with her.

5 Insofar as the petitioners are concerned, they are the parents of the victim girl. It is seen that the victim girl is aged about seventeen years. Without concern of the petitioners and also against the will of the victim girl, the marriage was taken place between the first accused and the victim girl. Thereafter, the first accused also had sexual intercourse with the victim girl. The family members of the first accused also harassed and demanded huge dowry from the victim girl.

6 Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner 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 days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Tiruvannamalai, on condition that each of 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
26/06/2020

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 JUDICIAL MAGISTRATE,
NO.I, TIRUVANNAMALAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTORE OF POLICE ,
ALL WOMAN POLICE STATION,
TIRUVANNAMALAI.

CC to M/S.B.JAWAHAR Advocate on payment of necessary charges

CRL OP.9383/2020

Date :26/06/2020

rd 22/07/2020

सत्यमेव जयते

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