

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2020

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.10259 of 2020

Prema

... Petitioner

Vs.

The State represented by its
The Inspector of Police
Sendamangalam Police Station
Namakkal District
(Crime No.321 of 2020)

... Respondent

PRAYER: This Criminal Original Petition filed under section 438 of Cr.P.C., seeking to enlarge the petitioner on Bail in the event of her arrest in Crime No.321 of 2020 on the file of the Inspector of Police, Sendamangalam Police Station, Pending investigation Namakkal District.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Section 366 IPC and Section 11 r/w 12 of POCSO Act, in Crime No.321 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the second accused used to compel the victim girl, who is aged about 16 years, to marry him. While being so, on 26.04.2020, the second accused threatened the victim girl and took her to his house forcibly wherein, the second accused and his father/first accused have compelled the victim girl to marry the second accused and also threatened her. Therefore, the victim girl tried to commit suicide by hanging herself and that she was rescued by her family members. Hence, the complaint

3. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as A3 and she is the wife of the first accused and the mother of the second accused. Even according to the case of the prosecution, A1 and A2 had compelled the victim girl to marry A2. Therefore, she attempted to commit suicide. But, there is no specific allegation against the petitioner and that she has been falsely implicated in this case. Further, there is absolutely no allegations under the POCSO Act and no sexual harassment by the accused persons. He also submitted that co-accused/A1 and A2 have been granted anticipatory bail by this Court in Crl.O.P.No.10732 of 2020 by order dated 25.06.2020. Hence, he prays to grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the victim girl, who is aged about 16 years, was compelled by the accused persons to marry the second accused and that on 26.04.2020, the victim girl was forcibly taken by the second petitioner to his house wherein, the second accused and his father/A1 have compelled her to marry A2. Humiliated by this, the victim girl attempted to commit suicide by hanging and subsequently, she was rescued by her family members. Hence he vehemently opposed to grant of anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and the fact that A1 and A2 have been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days after lifting of lockdown of the commencement of the Court's normal functioning, whichever is earlier, before the Additional Mahila Court, Namakkal, on condition that the petitioner 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 petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the first petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 PC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
08/07/2020

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 ADDITIONAL MAHILA COURT
NAMAKKAL.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SENDAMANGALAM POLICE STATION,
NAMAKKAL DISTRICT.

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

CRL OP.10259/2020

Date :08/07/2020

cs 17/08/2020