

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2020

CORAM :

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

Crl.O.P.No.12792 of 2020

Geetha

... Petitioner

Vs.

State rep. by

The Inspector of Police,
All Women Police Station,
Tiruvannamalai - 606 601.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in connection with Crime No. 09 of 2020 dated 29.05.2020 on the file of the respondent police.

For Petitioner : Mr. Arun Saravanan

For Respondent : Mr.K. Prabakar
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections **294(b), 323, 363, 366, 376(1) and 506(1) of I.P.C. and Sections 3a, 4, 5(1), 6 and 17 of the POCSO Act, 2012 and Sections 9 and 11 of Prohibition of Child Marriage Act, 2006** in Crime No.9 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant/victim is that her mother is no more and that she was taken care by her relatives and that the relatives had got married her to one Prem Kumar, aged about 42 years, against her wish.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A3 in this case and she is the relative of the victim. The defacto complainant's mother passed away and she was taken care by her relatives. Under the

circumstances, she has attained the age of majority and was married to A1 and she was also living with A1. Thereafter, there was a misunderstanding between the victim girl and her husband and therefore, the case has been given by the victim. Based on which, the petitioner has been arrested. He would submit that the co-accused, in this case who was similarly placed, has been granted bail by this Court in Crl.O.P.No.9443 of 2020.

4. The learned Additional Public Prosecutor would submit that the petitioner, who is the relative of the victim girl, along with other accused joined together and given her in marriage to one Prem Kumar against the wish of the victim girl on 15.12.2019. Based on the complaint given by the victim girl, the case has been registered for the offence alleged. He would further submit that the investigation is pending.

5. Taking into consideration the facts and circumstances of the case and the period of incarceration, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the Special Sessions Judge, POCSO Cases, Tiruvannamalai, 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 appear before the respondent police daily at 10.30 a.m., for a period of two 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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

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

-sd/-
21/08/2020

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 SPECIAL SESSIONS JUDGE,
POCSO CASES, THIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF THE POLICE,
ALL WOMEN POLICE STATION,
TIRUVANNAMALAI.

CC to ARUN SARAIVANAN Advocate on payment of necessary charges

CRL OP.12792/2020

Date :21/08/2020

MK:09/09/2020