



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No. 13219 of 2020

1.Roobavathiammal ... Petitioners
2.Krishnan
3.Srinivasan
4.Meena
5.Ajith

Vs.

State Rep. by ... Respondent
The Inspector of Police
All Women Police Station,
Tiruvannamalai - 606 601.
Crime No.9 of 2020.

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail concerned in Crime No.9 of 2020, dated 29.05.2020 on the file of the respondent police.

For Petitioners: Mr. Arunsaravanan

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

ORDER

(The case has been heard through video conference)

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 as per the defacto complainant Mogana Priya who is aged 17 years is that the accused who is related to her, had kidnapped her and married her to A1 without the knowledge of her father and thereafter, had taken her to their house. The further allegation is that A1 used to drink and assault her and the other accused demanded dowry and thereby, the victim girl had come out of the house. Hence, the complaint.



3 The learned counsel appearing for the petitioners would submit that the petitioners and the victim girl are relatives and the marriage between A1 and the victim girl was arranged by the father of the victim girl suppressing the age of the victim. He would submit that it was represented by the father of the victim that the girl is a major and believing the father of the victim, the marriage was conducted. Thereafter, due to matrimonial dispute, the victim went out of the house and she has given a false complaint as if, she was kidnapped and she was forcibly married to A1. 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/ A4, A5, A2, A13, A6 are the in-laws of the victim girl. He further submitted that the victim girl aged about 17 years was kidnapped by A1 and against her will, the first accused got married with the victim girl. Thereafter, he also had sexual intercourse with her. Later, A1 used to drink and assault her and the other accused demanded dowry. Thereby, the victim girl had come out of the house. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5 Insofar as the petitioners are concerned, they are the in-laws of the victim girl. It is seen that the victim girl is aged about seventeen years and without the consent 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.

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 Special Sessions Judge, POCSO, Cases, 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.

With the above direction, this Criminal Original Petition is ordered.

-sd/-
28/08/2020

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,
TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUVANNAMALAI-606601.

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

CRL OP.13219/2020

Date :28/08/2020

TA-22/09/2020