

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13337 of 2020

1. Saraswathi @ Sarasu
2. Kaveri
3. Bhavani
4. Saravanan
5. Lakshmi
6. Vinothkumar
7. Sangeetha
8. Kanmani
9. Kutti @ Shakthi Vinayagar ... Petitioners

/vs/

State rep. By
The Inspector of Police,
All Women Police Station,
Tiruttani Police Station,
Thiruvallur District.
Crime No.02 of 2020 ... Respondent

Prayer : This Criminal Original Petition has been filed under Section 438 of the Code of Criminal Procedure to enlarge the petitioners on bail in the event of arrest in Crime No.02 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Chandrasekar

For respondent : Mr.Mohammed Riyaz
Addl. Public Prosecutor

ORDER

(This 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 6, 5(1), 17 of Protection of Child from Sexual Offences Act 2012, Section 323, 506(i) IPC and Section 9, 10, 11 of Prohibition of Child Marriage Act 2006,, in Crime No.02 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that A-1 one Arulkumar induced her and kidnapped her and conducted child marriage with her. The petitioners, who are the parents and relatives of the A1, have harassed the defacto complainant and demanded dowry and driven her from the matrimonial house.

3. The learned counsel for the petitioners would submit that the petitioners are the innocent persons and they have falsely implicated in this case. She would submit that the defacto complainant and Arulkumar (A1) loved each other and the same was objected to by the parents of the defacto complainant. Since the victim girl was at the verge of the attainment of majority, she eloped from her house. The parents of the defacto complainant did not take her back and thereby, the petitioners having no other way, kept the defacto complainant in their house. Later, due to some misunderstanding between A1 and the defacto complainant, the defacto complainant left the matrimonial home and lodged a complaint before the respondent police as if the petitioners threatened her and demanded dowry and other articles. He would further submit that the first accused Arulkumar was arrested and thereafter, he has been enlarged on bail. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that A1 Arulkumar is the son of the first petitioner. He had induced the victim minor girl and later married her and taken her to his house. Therefore, A1 and other accused have harassed her and demanded dowry. He would further submit that A1 was arrested and hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Mahila Court, Thiruvallur on condition that 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 learned 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 daily at 10.30.a.m for a period of two weeks and thereafter, as and when required;

(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 Judicial 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

01/09/2020

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,
THIRUVALLUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUTHANI POLICE STATION,
THIRUVALLR DISTRICT.

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

CRL OP.13337/2020

Date :01/09/2020