

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.14249 of 2020

1. Krishnamoorthi
2. Sulachana Petitioners

/vs/

State rep. By
The Inspector of Police,
All Women Police Station,
Tiruttani, 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 Petitioners : Mr. S.N.Hussainy

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 r/w. 5(1), 17 of Prevention of Children from Sexual Offences (POCSO) Act and Section 323, 506(i) IPC and Sections 9, 10, 11 of the Prohibition of Child Marriage Act, in Crime No.02 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that A-1 Arulkumar loved the petitioners' minor daughter and hence, the petitioners herein arranged marriage of their minor daughter with him. Later, the parents and relatives of the A1 harassed the de-facto complainant, demanded dowry and driven out her from the matrimonial house. Hence, this complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are the parents of the victim girl. As there was a love affair between their daughter and the first accused, the petitioners arranged the marriage of their minor daughter with the first accused without knowing the consequences of POCSO Act. He further submitted that the co-accused were already granted Anticipatory Bail in CrI.O.P.No.13337 of 2020 dated 01.09.2020. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners arranged marriage of their minor daughter with the first accused, due to love affair between them. After marriage, the first accused and his parents harassed her demanding dowry, hence the de-facto complainant made a complaint against her husband, own parents and her in-laws. He would further submit that A1 was arrested and hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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 Judicial Magistrate, Thiruttani 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/-
14/09/2020

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 JUDICIAL MAGISTRATE,
THIRUTTANI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUTTANI, TIRUVALLUR DISTRICT.

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

CRL OP.14249/2020

Date :14/09/2020

MK:23/09/2020