

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.18685 of 2020

1. J.Sundaravelu .. Petitioners
2. Bhuvaneshwari
3. K.Venkatesan
4. Ramani

Vs.

The Inspector of Police .. Respondent
All Women Police Station Vellore
Vellore District
(Crime No.11 of 2020)

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Crime No.11 of 2020, pending investigation on the file of the Inspector of Police of All Women Police Station, Vellore.

For Petitioners: Mr.A.Vinu Pradha

For Respondent : Mr.M.Mohamed Riyaz
Additional 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 alleged offences punishable under Sections 376(2)(n) of IPC, Section 6, 5(1), 5(j)(ii) of the Protection of Child from sexual offences Act 2012 and Section 9 of the Child Marriage Restraint Act 1929 in Crime No.11 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the victim girl is aged about 17 years, who was married to A1. The petitioners herein are the parents of the victim girl and the parents of A1, who have arranged for the said marriage. The further allegation is that, the hospital authorities referred it to the respondent police that the victim girl is a minor, who has delivered a baby in their hospital. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely

implicated in this offence. He would further submit that the victim and A1 were in love from school days, hence, the petitioners without understanding the rigors and consequences of POCSO Act has committed the said offence. He would further submit that the petitioners are the parents of victim girl and the parents of A1. He would further submit that the victim girl and her baby is under their custody. He would further submit that the victim has attained majority now.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners, who are the parents of the victim girl and A1, had performed the marriage of the victim girl. He would further submit that the victim minor girl has delivered a baby now. He would further submit that a complaint was lodged based on the information received from the hospital authorities.

5.Taking into consideration of the facts and circumstances of the case, submissions of the learned counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6.Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore, Vellore District, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Special Judge for Exclusive Trail of Cases under POCSO Act, Vellore, Vellore District, 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.

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

-sd/-
30/11/2020

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 JUDGE FOR EXCLUSIVE
TRAIL OF CASES UNDER POCSO ACT,
VELLORE, VELLORE DISTRICT.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VELLORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.A.VINU PRADHA Advocate on payment of necessary charges

CRL OP.18685/2020

Date : 30/11/2020

MN-09/12/2020