

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.218 of 2021

S.Parameswari

... petitioner

Vs.

The State

... Respondent

Rep. by The Inspector of Police,
Polur Police Station,
Thiruvannamalai District.
(Crime No.1608 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge Bail to the petitioner in the event of his arrest in Crime No.1608 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.S.B.Viswanathan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offences under Sections 366 (A) of IPC. Subsequently after securing minor victim girl, the respondent police have altered the offences under Sections 366 (A) and 376 of IPC read with Sections 6 and 8 of the POCSO Act, in Crime No.1608 of 2020, seeks anticipatory bail.

2. There are totally six accused, the petitioner is ranked as A2. The prosecution case is that the victim girl aged about 17 years, who is the daughter of the defacto complainant was kidnapped by all the accused for getting her married to A1. Based on the complaint given by the father of the victim girl, a crime has been registered.

3. The learned counsel appearing for the petitioner would submit that the main accused, i.e. A1 in this case was having a love affair with the minor girl and both of them left their house and got married. The only allegation against the petitioner is that she helped to get marriage with A1 and minor girl. He would submit

that A1/Selvakumar was arrested, remanded to judicial custody and subsequently released on bail. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that A1 kidnapped the victim girl and got married her. The petitioner only has helped for the marriage. He would further submit that statement of the victim girl under Section 164 Cr.P.C was recorded and the investigation is completed and filed the final report.

5. Taking into consideration the facts and submissions made by the learned counsel of this case and also considering the fact that the main accused is A1 and the petitioner helped the marriage without knowing that the victim girl is a minor, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 from the date on which the order copy is made ready, before the learned Judicial Magistrate, Polur, 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 report before the respondent police 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

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

19/01/2021

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,
POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVANNAMALAI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
POLUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S.S.B.VISWANATHAN Advocate on payment of necessary charges SR NO. 584

सत्यमेव जयते CRL OP.218/2021

Date :19/01/2021

WEB COPY

MN-01/02/2021