

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.02.2021

CORAM :

THE HON'BLE Mr.JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2097 of 2021

1. Meenatchi
2. Parvati

... Petitioners

Vs.

The Sub-Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.
Crime No. 64 of 2021

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on Anticipatory bail in the event of their arrest in Crime No.64 of 2021, on the file of the respondent police

For Petitioners : Mr.S. Saravana Kumar

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offences under Section 366(A) of Cr.P.C and later it was altered into Section 366(A) @ Section 366 of I.P.C, 5(1), 6 17 of POCSO Act and 9,10 of Child Marriage Act in Crime No.64 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that totally there are 3 accused in this case and the petitioners herein are A2 and A3. The first petitioner/A2 is the sister of A1 and the second petitioner/A3 is the cousin of A1. The allegation is that A1 in this case fell in love with the minor victim girl and kidnapped her on 19.01.2021. Subsequently the parents of the minor victim girl found that she was kidnapped by A1 and she was in the house of A2. Based on the complaint given by the parents of the victim girl, the case was registered.

3.The learned counsel for the petitioners would submit that A1 in this case married the victim girl and the petitioners have only provided shelter to the victim girl. Hence, they were also implicated in this case U/s 366(A) of Cr.P.C and later it was altered into Section 366(A) @ Section 366 of I.P.C, 5(1), 6 17 of POCSO Act and 9,10 of Child Marriage Act. He would further submit that the petitioners have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioners assisted A1 in this case for kidnapping the minor girl and performing marriage. Therefore, he opposed to grant of bail to the petitioner.

5. Heard the learned counsel appearing for the petitioners and the learned Additional public prosecutor appearing for the respondent. Perused the F.I.R and the materials placed on record.

6.Considering the facts and circumstances of the case and also of the fact that the petitioners have provided only shelter to A1 and apart from that there is no serious allegation against these petitioners, 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 Judicial Magistrate No.I, Virudhachalam on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (each) (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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix thier 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 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 SCW 5560].

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

-sd/-

09/02/2021

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 NO.I,
VIRUDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE
VIRUDHACHALAM POLICE STATION,
CUDDALORE DISTRICT.

+1CC to M/S.S.SARAVANA KUMAR Advocate on payment of
necessary charges SR NO.1351

CRL OP.2097/2021

Date :09/02/2021

MK:10/02/2021