

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.2879 of 2021

1. Vidhya .. Petitioners
2. Vijay
3. Dhanam

Vs.

State represented by ... Respondent
The Inspector of Police,
Gangavalli Police Station,
Salem District.
(Crime No.321 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on in the event of their arrest concerned in Crime No.321 of 2020, on the file of the respondent police.

For Petitioner : Mr.S. Paneer Selvam

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

ORDER

(The 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 9 (1), 10 of POCSO Act, 9, 10 and 11 of Prohibition of Child Marriage Restraint Act, 494 IPC and 4 of Women Harassment Act, in Crime No.321 of 2020, on the file of the respondent police, seek anticipatory bail.

2. There are totally 8 accused in this case and the petitioners herein are A4 to A6, who are family members of the first accused/Vijayananth. The case of the prosecution is that the defacto complainant's family and the petitioners' family are relatives and they have undivided joint family properties. It is alleged that the parents of the first accused/Vijayananth have compelled him to marry the defacto complainant and the same was refused by the first accused. Hence, the parents of the defacto complainant are taking vengeance and refusing to give the joint family properties to the petitioners' family. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the first accused/Vijayananth was already married with one Gowsika Madhu hence he refused to marry the defacto complainant. Hence, he prayed for grant of anticipatory bail to the petitioners

4. The learned Additional Public Prosecutor appearing for the respondent would submit that earlier this Court by an order dated 15.07.2020 in CrI.O.P.No.10381 of 2020 have granted anticipatory bail to A1 to A3. However, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration, the facts and circumstances of the case and also the fact that the co-accused have granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with the following 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 from the date on which the order copy made ready, before the learned Judicial Magistrate no.1I, Attur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties 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 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 persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
16/02/2021

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.II,
ATTUR, SALEM DISTRICT.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GANGAVALLI POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S S.PANNEER SELVAN Advocate on payment of necessary charges SR.NO.1771.

सत्यमेव जयते

CRL OP.2879/2021

Date :16/02/2021

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EP-24/02/2021