

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Eighth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4373 of 2021

K.SURESH

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SANKARI,
SALEM DISTRICT.
CR.NO.4 OF 2021.

[RESPONDENT]

For Petitioner : M/S.A.SARAVANAN Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

(This Case has been heard through Video Conferencing)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 5(j)(ii) and 6 of Protection of Child From Sexual Offences Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006, in Crime No.4 of 2021, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had married the minor girl and sexually assaulted her and now she got pregnant. Further, she was admitted in the hospital and also delivered a child, based on a complaint filed by the hospital authority. the FIR was registered.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case without knowing the facts the girl was minor, he married her, and both of them living together. He would further submit that there is no previous case pending as against the petitioner. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner had married the minor girl and sexually assaulted her and she got pregnant, and also delivered the child. He would further submit that there is no previous case pending as against the petitioner. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the petitioner said to have married the victim girl without knowing the facts she was minor, and both of them living together and also blessed with the baby, 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 made ready, before the Mahila Court, Salem, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 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/-
08/03/2021

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 MAHILA COURT,
SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SANKARI,
SALEM DISTRICT.

+1 CC to M/S.A.SARAVANAN Advocate on payment of necessary charges SR.NO.3041

CRL OP.4373/2021

Date :08/03/2021

TA-15/03/2021

सत्यमेव जयते

WEB COPY