

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5478 of 2021

1. Kesavan ... Petitioners  
2. Govindhammal

-Vs-

The State Rep by ... Respondent  
Inspector of Police,  
All Women Police Station,  
Tiruvannamalai.  
(Crime No.1 of 2021)

**Prayer:** Criminal Original Petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.1 of 2021 is pending on the file of the respondent police.

For Petitioners : Mr.S.Panneer Selvam  
For Respondent : Mr.S.Karthikeyan  
Additional 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 under Section 376 of IPC and Section 5(k), 5(j)(ii), 5(1) and 6 of POCSO Act and Section 10 of Prohibition of Child Marriage Act, in Crime No.1 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2.The case of the prosecution is that A1 in this case married the minor girl aged about 16 years and also sexually assaulted her. Based on the complaint given by the District Child Welfare Officer, the crime has been registered against the petitioners, who are the parents of A1.

3.The learned counsel for the petitioner would submit that the victim is a minor and a false case been given by the Social  
<https://hcservicescourts.gov.in/hcservices/>

Welfare Officer, the case has been registered. He would further submit that the main allegation is only against A1 and now A1 is in jail. He would further submit that the petitioners are the parents of A1. He would further submit that the petitioners are innocent persons and they are no way connected with this crime and they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that A1 married the minor girl aged about 16 years and also sexually assaulted her. He would further submit that A1 had arrested and remanded to judicial custody. He would further submit that the petitioners are the parents of A1. He would further submit that there is no previous case pending as against the petitioners. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, and the main allegation is only against A1, the petitioners are the parents of A1 and there is no previous case pending as against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 Sessions Judge, (FAC), Special Court for Trial of Cases Under POCSO Act, Tiruvannamalai, on condition that the petitioners shall execute a separate 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 petitioners 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 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

[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/-  
19/03/2021

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 SESSIONS JUDGE, (FAC),  
SPECIAL COURT FOR TRIAL OF CASES UNDER POCSO ACT,  
TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
TIRUVANNAMALAI.

+1 CC to M/S. S.PANNEER SELVAM Advocate on payment of necessary  
charges SR.NO.3840

CRL OP.5478/2021

Date :19/03/2021

TA-01/04/2021

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