

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Friday, the Twenty Sixth day of March Two Thousand Twenty One
PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN
CRIMINAL ORIGINAL PETITION No.6066 of 2021

A.ARUNACHALAM

[PETITIONER / ACCUSED]

Vs

THE STATE BY

[RESPONDENT]

INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SANKARI, SALEM DISTRICT.
CRIME NO. 6 OF 2021.

For Petitioner : M/S.A.SARAVANAN Advocate

For Respondent : M/S. S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Sections 5 (j)(ii) and 6 of POCSO Act 2012 and Section 9 of Prohibition of Child marriage act, 2006 in Crime No.6 of 2021 on the file of the respondent Police, seeks anticipatory bail.

2. The petitioner is the sole accused in this case. The allegation is that the defacto complainant is a minor girl and she eloped with the petitioner and married him and became pregnant. Thereafter when the victim girl went to hospital for treatment, the hospital authorities found that the girl was only 17 years old. Based on the complaint given by the hospital authorities the case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner and the victim girl are close relatives and they loved each other and without knowing the fact that she was minor, petitioner married her now they are living together as husband and wife. Due to the wedlock a child was also born to them. He would further submit that only based on the complaint given by the hospital authorities the case came to be registered. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Heard the learned Additional Public Prosecutor appearing for the respondent.

5.Considering the facts and circumstances of the case and also the fact that the case came to be registered only on the complaint

given by the hospital authorities. It is also stated that at the time of marriage petitioner was not aware that she was a minor, and also considering the fact that the petitioner and defacto complainant are living together and a child was also born to them, 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Special Court Exclusive trial of cases under POCSO Act 2012, 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.

-sd/-

26/03/2021

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 SPECIAL COURT EXCLUSIVE TRIAL
OF CASES UNDER POCSO ACT 2012, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

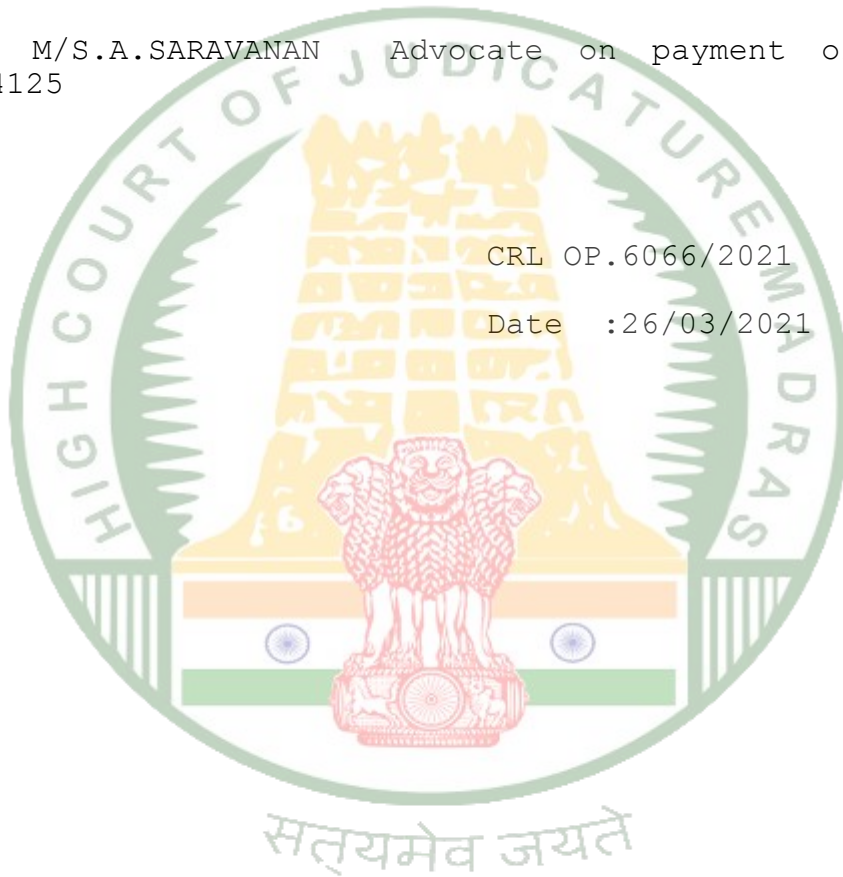
3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SANKARI, SALEM DISTRICT.

+1 CC to M/S.A.SARAVANAN Advocate on payment of necessary
charges SR NO.4125

CRL OP.6066/2021

Date :26/03/2021

MN-09/04/2021



WEB COPY