

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.6556 of 2021

1. Santhi
2. Lakshmi

... Petitioners

-Vs-

The State Represented by
The Inspector of Police,
All Women Police Station,
Thiruthani Police Station,
Thiruvallur Dt.
(Crime No.02 of 2021)

... Respondent

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 by the respondent police concerned in Crime No. 02 of 2021 on the file of the respondent.

For Petitioners : Mr.P.Chandrasekar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

Totally, there are four accused and the petitioners are arrayed as A2 and A4. The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 4 of Protection of Child from Sexual Offences Act, 2012, Section 376(4)(1) of I.P.C., and Section 9, 10, 11 of Prohibition of Child Marriage Act, 2006, in Crime No. 02 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that A1 is father, A2 is the mother of victim girl, A3 is the husband and A4 is his mother. The allegation is that the victim girl, who is a minor, and both the petitioners are mother and relative of victim girl said to have

conducted the marriage between minor girl and A3 on 27.01.2021. Subsequently, based on the complaint given by the Member of Child Welfare Committee, the criminal case has been registered against them and now, they are seeking anticipatory bail.

3. The learned counsel appearing for petitioners would submit that both the petitioners, bride and bridegroom are close relatives and victim girl is also major. But, without knowing the facts, the member of Child Welfare Committee has given a false complaint against the petitioners. He would submit that they are innocent persons, and they are no way connected with the offence as alleged in the complaint. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are mother and relative of victim girl, and they have conducted the marriage between minor girl and A3. He would submit that now, A3, husband of victim girl was arrested, the investigation is almost completed and there is no bad antecedents against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

5. I have heard and considered the submissions made by the learned counsel appearing for petitioners as well as Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that both the petitioners are close relatives, now, A3 husband of victim girl was arrested, investigation is almost completed and there is no bad antecedents against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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 of receipt of a copy of this order, before the learned Mahila Court, Thiruvallur on condition that the petitioners shall execute a separate 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, and on further condition that:

[b] 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;

[c] the petitioners shall appear before the respondent police as and when required for interrogation ;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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 Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

[g] 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/-

01/04/2021

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,
THIRUVALLUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUTHANI POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S.P.CHANDRASEKAR Advocate on payment of necessary charges SR.No.4483

CRL OP.6556/2021

Date :01/04/2021

cs 15/04/2021