

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the First day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.6515 of 2021

1 MANONMANI
2 SIVANESAN
3 VENKATESAN
4 JAYALAKSHMI

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUVANNAMALAI.
CR.NO.1/2021

[RESPONDENT]

For Petitioner : M/S.P.KANNAN KUMAR 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 petitioners are A2 to A5. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 376 of IPC r/w Section 5(k), 5(j), 5(ii), 5(l) 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 A2 to A5 are the parents and grandparents of the victim girl. The victim girl is a mentally retarded minor girl of 16 years old. A1 sexually assaulted the victim girl and impregnated her. The petitioners terminated her pregnancy and forcibly married the victim girl to A1. In the above said circumstances, based on the complaint given by the District Child Welfare Officer, Tiruvannamalai District the present complaint has been registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in the case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that investigation revealed that A1 raped the minor girl, who was mentally retarded. Thereafter the petitioners forcibly arranged marriage between A1 and the victim girl. A1 is also a minor. Hence the petitioners were implicated in this case. A1 was sent to Juvenile Justice Board and now he is released on bail.

5. Considering the facts and circumstances of the case, and the fact that both A1 and the victim girl are minor, the only allegation against the petitioners are that they compelled the victim girl to marry A1 and now A1 was granted bail, 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 Sessions Judge, Special Court for Exclusive 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, 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:

(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 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].

(g) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. 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 SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

4 THE OFFICER INCHARGE
DISTRICT CHILD WELFARE OFFICER,
TIRUVANNAMALAI DISTRICT.

+2 CC to M/S.P.KANNAN KUMAR Advocate on payment of necessary charges SR.No.4447

WEB COPY

CRL OP.6515/2021

Date :01/04/2021

cs 16/04/2021