

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Ninth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7617 of 2021

1 MARUTHAMUTHU
2 LAKSHMI
3 SELVI

[PETITIONERS / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ARUMBAVUR POLICE STATION,
PERAMBALUR DISTRICT.
CR.NO.1210 OF 2020.

For Petitioner : M/S. M.VIJAYA RAGAVAN Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 366 IPC and Section 5(1) r/w 6 of POCSO Act 2012 and Section 9 of Prohibition of Child Marriage Act 2006 in Crime No.1210 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that one Devaraj, who is the son of the petitioners 1 & 2 and the daughter of the de-facto complainant, who is aged 17 years, were in love with each other and they got married on 29.12.2020 in the presence of the petitioners and subsequently, he had physical relationship with the victim girl. Hence the case has been registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they did not not commit any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that A1, who is the son of the petitioners 1 & 2 had eloped with the victim girl, got married her and also had sexual intercourse with her. Hence, he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also taking note of the fact there is no specific allegation against the parents of A1, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 of receipt of a copy of this order, before the learned District and Sessions Judge, Mahila Court, Perambalur, 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 and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

29/04/2021

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 DISTRICT AND SESSIONS
JUDGE, MAHILA COURT, PERAMBALUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ARUMBAVUR POLICE STATION,
PERAMBALUR DISTRICT.

CC to M/S. M.VIJAYA RAGAVAN Advocate on payment of necessary charges Sr.5641

CRL OP.7617/2021

Date :29/04/2021

RVR 14/06/2021

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