

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifth day of May Two Thousand Twenty One

PRESENT

The Hon`ble Ms Justice R.N. MANJULA

CRIMINAL ORIGINAL PETITION No.8500 of 2021

1 PALANISAMY
2 ESWARI

[PETITIONERS / ACCUSED]

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POLLACHI, COIMBATORE DISTRICT.
CRIME NO.04/2021.

[RESPONDENT]

For Petitioner : M/S.N.UMAPATHI Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN Government 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 offences punishable under Section 366 (A) of IPC r/w Section 5 (i), 6 of the Protection of Child from Sexual Offences Act, 2012 and Section 9 of the Prohibition of Child Marriage Act, 2006 in Crime No.04 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioners' son and the de-facto complainant's daughter were in love with each other, which lead to their marriage. The daughter/de-facto complainant is a minor and the de-facto complainant and the petitioners are relatives. And due to personal animosity, this complaint has been made against the petitioners.

3. Learned counsel appearing for the petitioners would submit that the petitioner's son had married the minor daughter of the de-facto complainant and that the girl is now in her parental abode. He submits that the petitioners' son will not go and meet the de-facto complainant's

daughter and that the marriage was solemnised without the knowledge of the petitioners and, therefore, the petitioners be granted anticipatory bail.

4. Learned Government Advocate appearing for the respondent submitted that the minor girl is now at her parental abode and directions be issued so that the petitioners' son does not meet the minor girl. However, he opposed grant of anticipatory bail.

5. Taking into consideration the fact that the petitioners son and the de-facto complainant's minor daughter got married out of love and that the petitioners are ready to abide by any conditions, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, the petitioner shall execute a bond for a sum of Rs.10,000/- each (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 POC SO Judge, Coimbatore, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the 1st petitioner and 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.

[b] the petitioners' son and the de-facto complainant's daughter shall not meet each other without the permission of their respective guardians/parents

[c] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter 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.

-sd/-
05/05/2021

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 POCSO JUDGE,
COIMBATORE.

2 THE SUB-INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POLLACHI, COIMBATORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.N.UMAPATHI Advocate on payment of necessary charges
SR.NO. 5792

CRL OP.8500/2021

Date :05/05/2021

MN-12/05/2021

WEB COPY