

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.9288 of 2021

S. Vallarasu

... Petitioner

Vs.

State Rep by

The Inspector of Police,
Maruvathur Police Station,
Perambalur District.

(Cr.No.90 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioner on bail in the event of her arrest in Crime No.90 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.A. Rua

For Respondent : Mr.A. Gopinath

Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 5(j)(ii) and 6 of Protection of Child from Sexual Offences Act 2012 (POCSO) and 9 and 10 of Prohibition of Child Marriage Act 2006 in Crime No.90 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner herein married a victim girl and thereafter she became pregnant. Thereafter, when the victim girl went to hospital for treatment she requested the hospital authorities to taken action against the petitioner. Based on the complaint given by the Rural Welfare Officer, the case came to be registered.

3.The learned counsel for the petitioner would submit that 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 Rural Welfare Officer 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 Rural Welfare Officer. It is also stated that at the time of marriage the 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Sessions Judge, Mahila Court, Perambalur 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 and on further condition that:

(a) the petitioner 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 petitioner 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.

© 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 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;

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

-sd/-
28/06/2021

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,
MAHILA COURT, PERAMBALUR.

2 THE INSPECTOR OF POLICE,
MARUVATHUR POLICE STATION,
PERAMBALUR DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.A.RUA Advocate on payment of necessary charges
SR NO.6889

CRL OP.9288/2021

Date :28/06/2021

MK:12/07/2021

सत्यमेव जयते

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