

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.05.2021

CORAM :

THE HON'BLE MRS. JUSTICE S.KANNAMMAL

CrI.O.P.No.9235 of 2021

1.Rajeswari @ Raji
2.Eshwari
3.Muneeswari
4.Maheshwaran
5.Murugesan

... Petitioners

Vs.

The State represented by the
Inspector of Police,
All Women Police Station,
Pollachi,
Coimbatore District.
(Crime No.5 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code, to enlarge the petitioners on bail in the event of their arrest by the respondent police concerned in Crime No.5 of 2021 on the file of the respondent, on such terms and conditions and as this Hon'ble Court may deem fit and proper.

For petitioners : Mr.M.N.Balakrishnan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 5(1) r/w Section 6 of POCSO Act 2012 and 9,10 and 11 of Child Marriage Act, 2006 in Crime No.5 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that A1 has married the victim girl, who is aged only about 16 years and the petitioners herein aided the marriage. Hence, the present complaint.

3. The learned counsel for the petitioners would submit that the only with the consent of the victim girl's parents, the victim girl's marriage was solemnized with A1. These petitioners were only present during the marriage as they are relatives of A1. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate submitted that the complainant is the Village Welfare Officer. He further submitted that the victim girl is aged only 16 years and A1 had already got married and has two children. These petitioners aided for the marriage. He further submitted that A1 has already been arrested and these petitioners are relatives of A1. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsels, this court is inclined to grant anticipatory bail to the petitioners on condition.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest on their appearance, within a period of fifteen days from the date of receipt of a copy of this order before the learned Special Judge, Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore, 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 learned Magistrate concerned and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the 1st, 2nd and 3rd petitioners being ladies shall report before the respondent police as and when required for interrogation.

the 4th and 5th 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.

(c) the petitioners shall not commit any offences of similar nature;

(d) the petitioners shall not abscond either during investigation or trial;

(e) the petitioners shall not tamper with evidence or witness 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.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
13/05/2021

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 SPECIAL JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POLLACHI, COIMBATORE DISTRICT.

+1CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary charges SR NO.6136

CRL OP.9235/2021

Date :13/05/2021

MK:07/06/2021

WEB COPY