

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Cr1.O.P.No.9829 of 2021

Jalagirinathan

... Petitioner

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 filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail on the event of his 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.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Mr.L.Baskaran
Government Advocate (Cr1.side)

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 5(1)
r/w Section 6 of POCSO Act 2012 and 9, 10, 11 of Child Marriage Act,
2006, in Crime No.5 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the 1st accused
Chandrasekar married the victim girl aged 16 years. The petitioner
is a relative of the 1st accused Chandrasekar.

3. According to the petitioner, excepting for the 1st accused being a relative, he is no way involved in the commission of the alleged offence by the 1st accused and he has also pleaded innocence. He has also pleaded that the remaining co-accused excepting for the 1st accused, have already been granted anticipatory bail by this Court in Crl.OP.No.9235 of 2021 on 13.05.2021 and Crl.OP.No.9370 of 2021 on 26.05.2021.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police has also agreed with the submissions made by the learned counsel for the petitioner. He would further submit that insofar as the petitioner is concerned, he abetted the child marriage.

5. Having regard to the afore mentioned factors and in view of the fact that excepting A1, the other accused have been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner also subject to the fulfillment of the following 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 lifting of lock down or the commencement of Courts normal functioning whichever is earlier, before the learned Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the 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 petitioner shall report before the respondent police as and when required for interrogation.

[c] 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].

[f] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

10/06/2021

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 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.

CC to M/S M.N.BALAKRISHNAN Advocate on payment of necessary charges

WEB COPY

CRL OP.9829/2021

Date :10/06/2021

cs 09/07/2021