

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.9881 of 2021

1. Renganathan
2. Nallathambi
3. Andal

...Petitioners

-Vs-

The State Rep. By
The Inspector of Police,
All Women Police Station,
Perambalur District.
(Cr.No.8 of 2021)

....Respondent

Prayer: Criminal Original petition filed under Section 438 of Cr.PC to enlarge the petitioners on bail in the event of their arrest in Crime No.8 of 2021 pending on the file of the respondent police.

For Petitioners : Mr.M.R.Elavarasan

For Respondent : Mr.A.Gopinath
Government Advocate (Criminal Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 9, 10 of Prohibition of child Marriage Act, 2006 and Section 5(1) read with section 6 of Protection of child from Sexual Offences Act, 2012 and Section 294(b), 323 and 506(ii) of IPC in Crime No.8 of 2021, on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant lodged a complaint with the respondent police that A1 is the husband of the victim and A2 is the father, A3 and A4 are aunt and uncle of the victim. A1 to A4 had kidnapped the victim girl, aged about 17 years and without her consent, A2 to A4 solemnized a marriage with one Velmurugan(A1), who is the son of A3 & A4. Thereafter, A1 went abroad for work. On 03.09.2020, A1 returned to his native, he forcefully had physical relationship with the victim girl.

3. The learned counsel appearing for the petitioners submitted that the petitioners are nothing to do as alleged by the prosecution and both the parties are close relatives. The victim girl and A1 are willing and ready to join together. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate appearing for the respondent submitted that the victim girl has been produced before the learned Judicial Magistrate/Additional Mahila court, Perambalur. The statement of 164(5) Cr.P.C has been recorded, in which, she stated that she has no problem with her husband and due to dispute with her father, she has given a false complaint against her husband, father, uncle and aunt. Hence, the learned Government Advocate has no serious objection to grant anticipatory bail to the petitioners.

5. Taking into consideration of the facts and submissions made by the learned counsel and the fact that the victim girl has not stated any serious allegation in her 164 statement as against these petitioners, 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 Mahila Court, Perambalur, on condition that the petitioners shall execute separate bond for separate 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 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 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]**; and;

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

-sd/-
16/06/2021

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 MAHILA COURT,
PERAMBALUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PERAMBALUR DISTRICT.

CC to M/S.M.R.ELAVARASAN Advocate on payment of necessary charges

CRL OP.9881/2021

Date :16/06/2021

TA-13/07/2021

सत्यमेव जयते

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