

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.9918 of 2021

Mr.Soundarrajan

... Petitioner

Versus

State Rep. by

The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District.
(Cr.No.105 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of arrest by the respondent Police in Crime No.105 of 2021 on the file of the respondent Police.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 9 of Child Marriage Act, 2006 and Section 3 and 4 POCSO Act, 2012 in Cr.No.105 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the victim girl had a love affair with A1, who is none other than the son of her maternal uncle. A2 is the father of A1, A3 is the brother of A2 and A4 / petitioner herein, is the father of the victim girl. It appears that A1 has given false promise to the victim girl to marry her and sexually assaulted her. Later, the family members had arranged and performed their marriage. Now, A1 is refusing to live with the defacto complainant / victim girl and hence this complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is none other than the father of the victim girl and he did not commit any offence as alleged by the prosecution and no allegation was made against the petitioner in the 164 statement recorded by the learned jurisdictional Magistrate and hence prays for anticipatory bail.

4. The learned Additional Public Prosecutor would submit that since allegations against the accused persons are serious in nature, they may not be given anticipatory bail and prays for dismissal of this petition.

5. Considering the fact that there is no allegation against the petitioner herein / A4 in the 164 Statement and also the fact that there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

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 learned Sessions Judge, Fast Track Mahila Court, Krishnagiri District, 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. until further orders;

(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 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.

This Criminal Original Petition is ordered accordingly.

-sd/-
14/06/2021

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,
FAST TRACK MAHILA COURT,
KRISHNAGIRI DISTRICT.

2 THE INSPECTOR OF POLICE,
SINGARAPETTAI POLICE STATION,
KRISHNAGIRI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.9918/2021

Date :14/06/2021

MK:08/07/2021

WEB COPY