



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.10180 of 2021

WEB COPY

1. Andi
2. Rajammal
3. Munusamy
4. Rani

...Petitioners/Accused Nos.2 to 5

Versus

State rep by the
Inspector of Police,
Mangalapuram Police Station,
Namakkal District.
(Crime No.196 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.196 of 2021 on the file of the respondent.

For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 366 of IPC, 9 of PCM Act 5 (1), 5 (j), (ii) 6 r/w. 16 and 17 of POCSO Act in Crime No.196 of 2021, on the file of the respondent police, seek anticipatory bail.

2. There are totally five accused, the petitioners are ranked as A2 to A5. The petitioners are co-parents of the first accused. The case of the prosecution is that the minor victim girl was forcibly married by the first accused. Hence, the law enforcing agency registered a case against the petitioners.

3. The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. The first accused is the maternal uncle of the victim girl, and the



father of the victim girl frequently consumed alcohol and had quarrel with the family members. Due to that the victim girl on her own volition insisted A1 to marry her. He would submit that the first accused was arrested and he has been in judicial custody for the past two months. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that the victim girl on her own volition married A1 due to which she was pregnant. He would further submit that the statement under section 164 Cr.P.C. has been recorded from the victim girl in which the girl has stated that she insisted A1 to marry her. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances and that the victim girl had on her own volition married A1, as evident from the statement recorded under Section 164 Cr.P.C, this Court is inclined to grant anticipatory bail to the petitioners with certain 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 Special Court for the Exclusive Trial of POCSO Act Cases of Namakkal. 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 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) if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners 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;

(c) the 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.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond 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 petitioners 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;

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

-sd/-

12/07/2021

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 SPECAIL COURT FOR THE
EXCLUSIVE TRIAL OF POCSO ACT CASES OF
NAMAKKAL

2 THE INSPECTOR OF POLICE,
MANGALAPURAM POLICE STATION,
NAMAKKAL DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges Sr.7284

CRL OP.10180/2021

Date :12/07/2021

RVR 26/07/2021