

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.10243 of 2021

1. Poongavanam
2. Sumathi

..Petitioners

-Vs-

The State Rep. by
The Inspector of Police,
Palacode Police Station,
Dharmapuri District.
(Cr.No.103 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.103 of 2021 pending on the file of the respondent police.

For Petitioners: Mr.C.Prabakaran

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 363 of IPC altered to Section 363 of IPC, Section 5(1), 6 of POCSO Act and Section 9 and 10 of Child Marriage Act in Crime No.103 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 had kidnapped the victim girl, aged about 15 years, studying in 10th standard and got married on the next day and had physical intercourse with her.

3. The learned counsel appearing for the petitioners submitted that A1 and the victim girl are relatives and had love affair between them. Due to which, the victim girl came out from her house voluntarily and got married. The petitioners are sister and uncle of A1 and they have nothing to do with the alleged offences. 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 Additional Mahalir Neethimandran, Salem. The statement of 164(5) Cr.P.C has been recorded, in which, she stated that the A1 had kidnapped the victim girl and got married and had physical contact with her and she has nothing stated against these petitioners. 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 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, Dharmapuri, on condition that the petitioners shall execute 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) 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 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 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/-
15/06/2021

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,
DHARMAPURI.

2 THE INSPECTOR OF POLICE,
PALACODE POLICE STATION,
DHARMAPURI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.PRABAKARAN Advocate on payment of necessary charges
SR.NO. 6517

CRL OP.10243/2021

Date :15/06/2021

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MN-01/07/2021