

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.10292 of 2021

1.Radha
2.Sekar
3.Perumal
4.Kumar @ Selvakumar

... Petitioners

Vs.

The State rep. by
The Inspector of Police,
Thanipadi Police Station,
Thanipadi,
Tiruvannamalai District.
(Crime No.2931 of 2020)

... Respondent

Prayer:

Petition filed under Section 438 of Cr.P.C., seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.2931 of 2020 pending on the file of the respondent.

For Petitioners : M/s.Amar Dineshbhai Pandiya

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

ORDER

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Section Girl Missing @ 363, 363(A), 376(1) of I.P.C. r/w Sections 4, 5(I), 6, 17 of POCSO Act and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006 in Cr.No.2931 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 in the case is alleged to have kidnapped the victim girl and married her. The petitioners are the relatives of A1. The petitioners are arrayed as A2 to A5.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and that they have been falsely implicated in the case. He would further submit that A1 and victim girl are lovers and with the consent of the victim girl only marriage was performed and they are living happily, however, it was not liked by the grandmother of the victim girl.

4.The learned Government Advocate (Criminal Side) submitted that investigation reveals that A1 and victim girl are lovers and with the consent of the victim girl, their marriage was performed and they are now living happily.

5.Considering the fact that there are no specific allegation against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

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 Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 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;

(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 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;

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

-sd/-
01/07/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

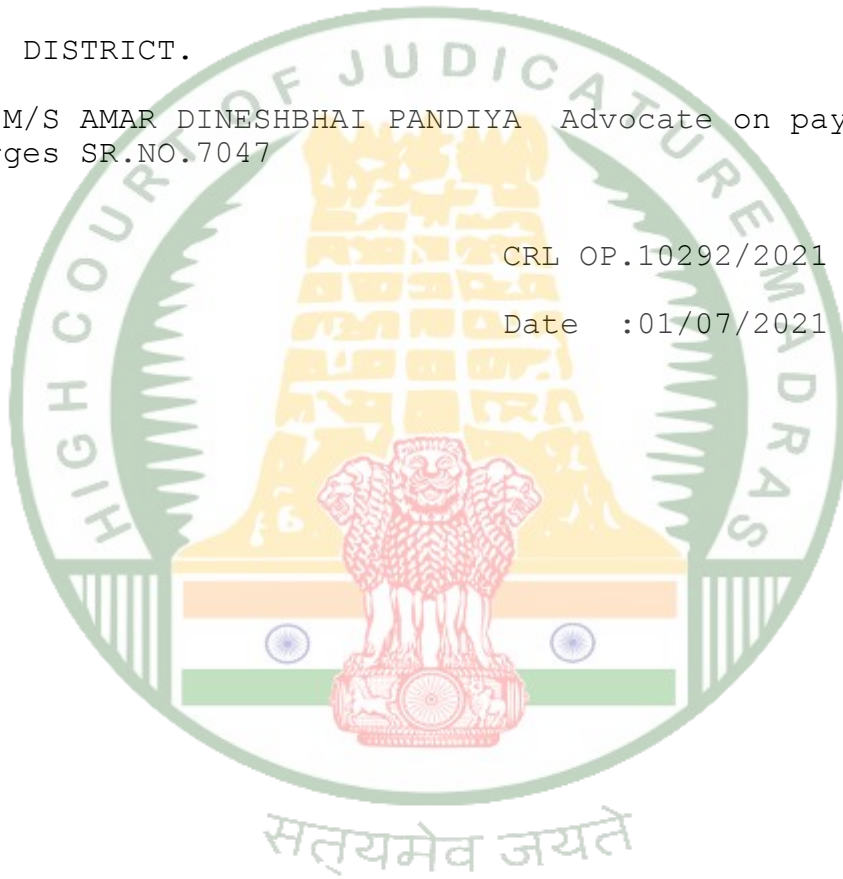
3 THE INSPECTOR OF POLICE,
THANIPADI POLICE STATION,
THANIPADI,
TIRUVANNAMALAI DISTRICT.

+1 CC to M/S AMAR DINESHBHAI PANDIYA Advocate on payment of
necessary charges SR.NO.7047

CRL OP.10292/2021

Date :01/07/2021

TA-12/07/2021



WEB COPY