

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.10522 of 2021

1.Thimmarayan
2.Tmt.Ramya

...Petitioners

Versus

State represented by
The Inspector of Police,
Marandahalli Police Station,
Dharmapuri District.
(Crime No.190 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 apprehending arrest in the Crime No.190 of 2021 on the file of the respondent.

For Petitioners : Mr.B.Sundarapandiyan

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

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 363, 366(A) IPC and Sections 5(1) r/w 6 of POCSO Act 2012 and Sections 16 and 17 POCSO Act and Section 9 and 10 of Protection of Child Marriage Act, 2006 in Cr.No.190 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the mother of the victim girl and she lodged a complaint before the respondent Police alleging that her daughter was found missing on 19.05.2021 and she was kidnapped by the petitioner. Hence, the petitioners were arrested by the law enforcing agency.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and he further submits that A1 and the daughter of the defacto complainant had love affair and their marriage was solemnized, without the consent of the defacto complainant, at the presence of elders. Therefore, they have not committed any offence as alleged by the prosecution and the daughter

of defacto complainant left her home on his own volition. Hence prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that there was a love affair between A1 and the daughter of defacto complainant and there are no previous cases against the petitioners and the investigation is pending.

5. This Court is of the view that on perusal of the 164 statement, it was stated that she went along with A1 on her own volition and performed marriage in the nearby Temple and there is no serious allegation made against A1 and petitioners herein. Considering the facts of the case, this Court is inclined to grant anticipatory bail to the petitioners.

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 Fast Track Mahila Court, Dharmapuri**, 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)if the petitioner failed 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 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 petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

(e)the petitioner 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 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;

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

-sd/-
23/06/2021

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 FAST TRACK
MAHILA COURT, DHARMAPURI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MARANDAHALLI POLICE STATION,
DHARMAPURI DISTRICT.

+1 CC to M/S.B.SUNDARAPANDIYAN Advocate on payment of necessary charges SR.NO.6771

CRL OP.10522/2021

Date :23/06/2021

TA-09/07/2021

सत्यमेव जयते

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