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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.10750 of 2021

1. Subramani
2. Sali
3. Chitra

..Petitioners

-Vs-

The State Rep. by
The Inspector of Police,
AWPS Police Station,
Denkanikottai.
(Cr.No.6 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.6 of 2021 pending on the file of the respondent police.

For Petitioners : Mr.R.Thirumoorthy

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

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 363, 366 of IPC, 5(1), 5(j), (ii), 6 POCSO Act, 9,10,11 of Child Marriage Act, 2006 in Crime No.6 of 2021, on the file of the respondent, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is the member of Child Welfare Committee lodged a complaint with the respondent police that during January 2021, the victim girl went with the son of the petitioners 1 and 2 with the help of the 3rd petitioner and on 25.01.2021, she got married and then she was pregnant.

3. The learned counsel appearing for the petitioners submitted that the petitioners and the victim girl are relatives and after printing invitation, the marriage was happened and due to previous enmity, the defacto complainant lodged a complainat. 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 District Munsif cum Judicial Magistrate, Denkanikottai. The statement of 164(5) Cr.P.C has been recorded, in which, she stated that A1 and the victim girl was loved each other and thereafter, they got married and lived together in her matrimonial home. Thereafter, she got pregnant. When she went to hospital for check-up, the official sent her to Child Welfare Department due to insufficient age. 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 Judicial Magistrate-II, Hosur, 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.

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-sd/-

22/06/2021

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 JUDICIAL MAGISTRATE,
NO.II, HOSUR

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI (FOR INFORMATION)

3 INSPECTOR OF POLICE,
AWPS POLICE STATION,
DENKANIKOTTAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, DENKANIKOTTAI

CC to M/S. R.THIRUMOORTHY Advocate on payment of necessary charges

CRL OP.10750/2021

Date :22/06/2021

RVR 19/07/2021