



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11305 of 2021

Lalitha

... Petitioner

Vs.

State, represented by
The Inspector of Police,
AWPS, Thiruthani Police Station,
Thiruvallur District.
(Crime No.01 of 2020)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 438 of Cr.P.C prayed to enlarge the petitioners on bail in the event of arrest by the respondent police concerned in Crime No.01 of 2020 pending on the file of the The Inspector of Police, AWPS, Thiruthani Police Station, Thiruvallur District.

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

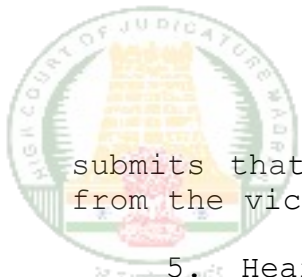
ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 4, 6, 9 of Protection of Child from Sexual Offences Act, 2012, Section 9, 10, 11 of Prohibition of Child Marriage Act 2006 in Crime No.01 of 2020 seeks anticipatory bail.

2.The case of the prosecution is that A1 one Siva had married the defacto complainant viz., Parimala. After marriage, A-1 sexual harassed the defacto complainant and that the petitioner also assaulted the defacto complainant. Hence, the case was registered against the petitioner on the complaint of the defacto complainant .

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that there was love affair between the defacto complainant and A1. He further submits that no bad antecedent against the petitioner. He further



submits that that statement u/s 164(5) Cr.P.C. has been recorded from the victim girl (in which, the petitioner's name not mentioned).

5. Heard both sides and perused the records including 164 statement recorded from the victim girl.

6. On perusal of the statement recorded u/s 164(5) Cr.P.C. from the victim, it is seen that A1 fell in love with the victim and forced her to marry him. After that, they are eloped and got married. After marriage, she came to know that A1 already got married. The victim further stated that after marriage, A1 eloped with another girl Viz., Selvi. The issue being one of a love affair between A1 and the defacto complainant which has led to the filing of the complaint and in view of the fact that the name of the petitioner does not find place in the complaint or in the 164 statement of the victim, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is 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, Tiruvallur on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- each (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 petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 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.

WEB COPY

-sd/-
07/07/2021

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 SESSIONS JUDGE
MAHILA COURT, TIRUVALLUR.

2 THE INSPECTOR OF POLICE,
AWPS, THIRUTHANI POLICE STATION,
THIRUVALLUR DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S P.CHANDRASEKAR Advocate on payment of necessary charges

CRL OP.11305/2021

Date :07/07/2021

RW 14/07/2021