

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.11774 of 2021

1. Chitra
2. Arivalakan
3. Rani

...Petitioners

Versus

State rep by the
The Inspector of Police,
AWPS Police Station,
Tiruvarur District.
(Crime No.7 of 2021)

...Respondent

PRAAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police in Crime No.7 of 2021 pending investigation on the file of the respondent.

For Petitioners : Mr.V.Sakkarapani

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

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 6, 5(1) of POCSO Act 2012 & Section 9, 10 of Child Marriage Act 1929, in Crime No.7 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 25.01.2021, the petitioners and others have forced the victim girl and conducted her marriage with one Thambiraj, who is the son of Velayutham, in the Selves Hotel and after the marriage, the petitioners left the victim girl at Velayutham house and for the past 3 moths the said Velayutham and his family members did not to allow the victim girl to come out from the house and the said Thambiraj forcibly had intercourse with the victim girl several times. Hence, the complaint was registered

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that the statement of the victim under Section 164 of Cr.P.C is recorded. He further submits that there is no previous case pending as against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.A perusal of the statement of the victim recorded under Section 164 Cr.P.C reveals that she was given in marriage to one Thambiraj who had sexual intercourse with the victim. But, there is no allegation against the petitioners in the statement recorded from the victim. In such circumstances, in view of the statement of the victim, 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 Fast Track Mahila Court, Tiruvarur. on condition that the petitioners shall execute a 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) if the petitioners fail 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 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;

(c) the petitioners 1 and 3 shall report before the respondent police as and when required for interrogation and second 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.

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

(e) the petitioners 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 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;

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

-sd/-
09/07/2021

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 FAST TRACK MAHILA COURT
TIRUVARUR

2 THE INSPECTOR OF POLICE,
AWPS POLICE STATION,
TIRUVARUR DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. V.SAKKARAPANI Advocate on payment of necessary charges

CRL OP.11774/2021

Date :09/07/2021

RW 28/07/2021