



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12355 of 2021

1. Amaravathi
2. Nirosha

... Petitioners

Vs.

State Represented by
The Inspector of Police,
Pernampet Police Station,
Thirupathur District.
(Cr.No.164 of 2021)

... 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 their arrest in Crime No.164 of 2021 pending investigation on the file of the respondent Police,

For Petitioners : Mr.T.Muruganantham

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

ORDER

The petitioners, who apprehend arrest for the alleged offence punishable under Section 366(A) of IPC and Section 6 of POCSO Act in Crime No.164 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1/Prabhudas kidnapped the victim girl, who is aged about 16 years and married the girl and had sexual intercourse. Hence, the parents of the victim girl filed the present complaint.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the victim girl and A1 loved each other and the victim girl on her own volition eloped from her parental home and stayed with A1. A1 tied her thali and they were living together. He further submits that since the girl was missing on 30.04.2021, her



parents had given a complaint against the petitioners. On coming to know the above said circumstances, the victim girl appeared before the learned Judicial Magistrate, Gudiyatham and she was sent along with their parents. The victim girl was subjected to medical examination and she had given a statement u/s 164 Cr.P.C., wherein, she stated that she quarrelled with her parents and left her home on her own and no one is responsible for the incident. He further submits that main accused/A1 was granted anticipatory bail by this court in CrI.OP.No.9063 of 2021 vide order dated 13.05.2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (CrI.Side) submits that A1 tied thali to the victim girl, who is aged only 17 years and had sexual intercourse with her. He further submits that the victim girl was subjected to medical examination and she had given statement u/s 164 Cr.P.C. Hence, he vehemently opposed for granting of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and the submissions made by the learned counsel appearing for both sides and taking into consideration the fact that the victim girl, in her statement recorded u/s 164 Cr.P.C. has stated that she has left her home on her own volition and further A-1, who is alleged to have married the victim girl, having already been granted anticipatory bail by this Court, 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 Judicial Magistrate, Gudiyatham on condition that each of the petitioners shall execute a separate 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 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 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/-
16/07/2021

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 JUDICIAL MAGISTRATE,
GUDIYATHAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
PERNAMPET POLICE STATION,
THIRUPATHUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S T.MURUGANANTHAM Advocate on payment of necessary charges

CRL OP.12355/2021

Date :16/07/2021

JPA 26/07/2021