



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.12327 of 2021

1. Kumar ... Petitioners
2. Arunachalam
3. Dhanalakshmi

Vs.

State rep. By ... Respondent
The Inspector of Police,
All Women Police Station,
Ponneri, Thiruvallur District.
(Cr.No.15 of 2021)

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 connection with Crime No.15 of 2021 on the file of the respondent Police,

For Petitioners : Mr.R.Sasikumar

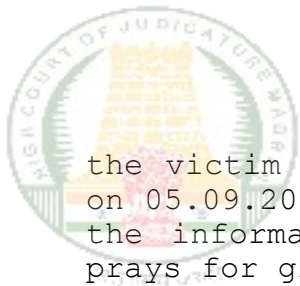
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest for the alleged offence punishable under Sections 5(L)(N)(J) (i) (ii) and 6 of POCSO Act, r/w Section 9 and 10 of Prohibition of Child Marriage Act 2006 in Crime No.15 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the family members arranged the marriage of the victim girl at the age of 16 years as she was pregnant. Though, the victim has not given consent for marriage, she was forcibly made to consent for marriage and the victim girl informed the said incident to the Child Welfare Line, Thiruvallur. Hence, the law enforcing agency registered the case against the petitioners.

3.The learned counsel appearing for the petitioners submits 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 petitioner/A1 and the victim girl are in love for the past two years and they are relatives. In fact, the marriage was performed by the petitioners' family with the consent of



the victim and the victim girl's family. They performed the marriage on 05.09.2020 and at that time the victim girl was pregnant. Based on the information, the present complaint has been filed. Hence, he prays for grant of anticipatory bail to the petitioners.

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4.The learned Government Advocate (Crl.Side) concedes that the marriage was performed between the 1st petitioner and the victim girl and at the time of marriage, the victim was pregnant. He further submits that the victim and her family members had consented for the marriage. However, it is submitted that the victim girl was only 16 years at the time of marriage and, therefore, he opposes grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case, the marriage having been performed with the consent of the victim and her family members, 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 Mahila Court, Thiruvallur** 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.

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-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 MAHILA COURT,
THIRUVALLUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PONNERI,
THIRUVALLUR DISTRICT.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR.NO.7504

CRL OP.12327/2021

Date :16/07/2021

TA-26/07/2021