



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Second day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.12830 of 2021

1 SUMATHI

[PETITIONER / ACCUSED]

2 ANJALI

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

ALL WOMEN POLICE STATION, NEYVELI

(CR.NO.11 of 2021)

For Petitioner : M/S S.INDRAJITH Advocate

For Respondent : M/S. C.E.PRATAP, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 5(n), 5(i), r/w 6 of POCSO Act, 2012 & 9 r/w 10 of Child Marriage Act, in Crime No.11 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have performed the marriage between one Gunasekaran and the minor girl and they got married. Based on the complaint given by the District Social Welfare Officer, Cuddalore, the case was registered.

3.The learned counsel appearing for the petitioners submitted 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) submitted that the victim girl has been secured and 164 statement has also been recorded. He further submits that there is no previous case pending



against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. This Court had perused the statement of the victim under Section 164 of Cr.P.C. which reveals that the victim, on her own volition went along with one Gunasekaran and they got married and further, there is no specific overt act has been attributed against the petitioners and the victim girl has been secured, 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 Sessions Judge, Special Court for Exclusive Trial of Cases, under POCSO Act, Cuddalore, on condition that each of the petitioner shall execute a 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 failed 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 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 shall report before the respondent police 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.

WEB COPY

-sd/-

02/08/2021

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,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES,
UNDER POCSO ACT, CUDDALORE

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, NEYVELI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S S.INDRAJITH Advocate on payment of necessary charges SR.No.8076

CRL OP.12830/2021

Date :02/08/2021

APN 13/08/2021