



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Sixteenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.13326 of 2021

1 PALANIAPPAN
2 INDUMATHI

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VELUR,
NAMAKKAL DISTRICT.
(CRIME NO. 1/2021)

[RESPONDENT]

For Petitioner : M/S.G.ANBUCHEZHIAN Advocate

For Respondent : MR.A.GOPINATH Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 6, 5-L r/w 17 of Protection of Children from sexual offences Act 2012 and Section 9 of the Prohibition of Child Marriage Act 2006 in Crime No.1 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners have forcibly taken the defacto complainant / victim girl and compelled her and conducted the marriage with one Lingeswaran. On receipt of complaint, the respondent police registered a 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 petitioners are the parents of the defacto complainant/victim girl. The victim girl and the said Lingeswaran were in love with each other and they have performed their marriage between
the marriage, the newly wedded couple had some



disagreement and got into a verbal altercation. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that there was a love affair between the defacto complainant and Lingeswaran and at the time of their marriage, the defacto complainant/victim girl was aged about 17 years. He further submits that the statement u/s 164 Cr.P.C. has been recorded from the defacto complainant.

5. Heard both sides and perused the records including 164 statement recorded from the defacto complainant.

6. On perusal of the statement recorded u/s.164 Cr.P.C. from the girl, reveals that the defacto complainant married the said Lingeswaran at the age of 17 years. Further it reveals that there are serious allegations only against the defacto complainant's husband / Lingeswaran and there was no serious allegations against these petitioners. Hence, this Court is inclined to grant anticipatory bail to these petitioners.

7. 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 Special Court for Trial and Exclusive Under POCSO Court, Namakkal on condition that each of the petitioners shall execute a 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 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



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

WEB COPY

-sd/-

16/08/2021

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 SPECIAL COURT FOR TRAIL AND EXCLUSIVE UNDER POSCO COURT,
NAMAKKAL.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VELUR, NAMAKKAL DISTRICT.

+1 CC to M/S.G.ANBUCHEZHIAN Advocate on payment of necessary
charges SR NO.8558

CRL OP.13326/2021

Date :16/08/2021

RW 27/08/2021