



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13821 of 2021

1 PRABHU
2 VALLIAMMAL

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GOBICHETTIPALAYAM,
ERODE DISTRICT
(CRIME NO.9 OF 2021)

[RESPONDENT]

For Petitioners : M/S C.VASUDEVAN 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 :-

The petitioners, who apprehend arrest for the alleged offence punishable under Sections 9 and 10 of Protection Of Children from Sexual offence Act and Section 5(1), 6 and 17 of POCSO Act , in Crime No.9 of 2021, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution is that the parents of the petitioners and the defacto complainant performed child marriage. Thereby the welfare committee filed a complaint.

3. The learned counsel appearing for the petitioners submits that the victim girl on her own volition married A1. Hence he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate submitted that that the parents of the petitioners and the defacto complainant performed child marriage. Hence he opposed for grant of anticipatory bail to the petitioners.

5. This court perused the 164 statement. On perusal of 164 statements recorded under Section under 161(3) of Cr.P.C, reveals that the victim girl had love affair with the A1 and made request to the family members to perform the marriage immediately. Thereby the defacto complainant performed the marriage.

6. Considering the facts and circumstances of the case, there is no serious allegations was made against the petitioners. Accordingly, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Mahalir Neethi Mandram (Fast Tract Court), Erode on condition that 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 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/-
14/09/2021

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 MAHALIR NEETHI MANDRAM
(FAST TRACK COURT), ERODE.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GOBICHETTIPALAYAM, ERODE DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S C.VASUDEVAN Advocate on payment of necessary charges

CRL OP.13821/2021

Date :14/09/2021

JPA 01/10/2021