



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14200 of 2021

1 MANIKKAVALLI
2 MUTHULAKSHMI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PERAMBALUR DISTRICT
CR NO. 21/2021

[RESPONDENT]

For Petitioner : M/S.M.R.KUYILAN Advocate

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

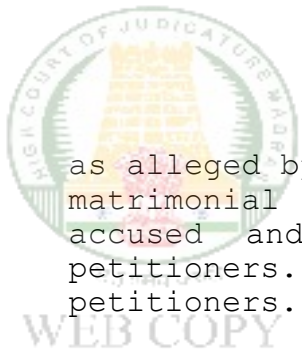
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 5(1), 5(j) (ii) r/w 6 of POCSO Act 2012 and 294(b), 506(ii) of IPC and 9, 10 of Child Marriage Act 2006 in Crime No.21 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the 1st accused viz, Periyasamy who is the son of the 1st petitioner had sexually assaulted the de-facto complainant and later married her in the presence of the petitioners/A2 & A3, who are mother and younger sister of the 1st accused and subsequently. the de-facto complainant delivered a female child. The further allegation against the 1st accused is that he abused and threatened the de-facto complainant to kill her. Thereafter, based on the complaint given by the de-facto complainant, the Law Enforcing Agency registered a case against the accused persons.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they did not commit any offence



as alleged by the prosecution. He would further submit that there is a matrimonial dispute between the de-facto complainant and the 1st accused and there is no serious allegation made against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) did not dispute the facts submitted by the learned counsel for the petitioners. The learned Government Advocate has produced the 164 Cr.P.C statement of the victim girl.

5. This Court perused the statement recorded under Section 164 of Cr.P.C from the victim girl.

6.Considering the facts and circumstances of the case and also taking note of the fact there is no serious allegation made against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

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 District Mahila Court, Perambalur, on condition that the petitioners shall execute a separate 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) 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 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.

WEB COPY

-sd/-

25/08/2021

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 DISTRICT MAHILA COURT
PERAMBALUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PERAMBALUR DISTRICT

CC to M/S.M.R.KUYILAN Advocate on payment of necessary charges

CRL OP.14200/2021

Date :25/08/2021

APN 08/09/2021