



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.14617 of 2021

1 SUDHAKAR
2 MANUJA
3 DEVARAJ

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUTHANI
(CRIME NO.11/2021)

[RESPONDENT]

For Petitioner : M/S T.N.RANGESH KANNA Advocate

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

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

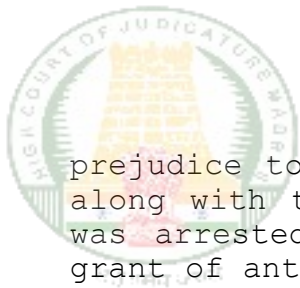
ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioners, who apprehend arrest for an alleged offence under Sections 363, 366, 376(3), 376(2)(n), 294(b), 506(i) of IPC, Section 9 of Child Marriage Act and 4(2), 6(1) of Protection of Children from Sexual offences Act 2012 in Crime No.11 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners and A1 were abducted the victim girl and got married and these petitioners are encouraged for their marriage. Hence the law enforcing agency registered a case against these petitioners.

3.The learned counsel appearing for the petitioners submits that the victim girl, on her own volition, came out of the house to marry A1 as she was in love with him. These petitioners are in no way connected with the offence as alleged by the prosecution and that they have been falsely implicated in the case. However, on instructions, he further submits that these petitioners, without



prejudice to their rights, are ready to take care of the victim girl along with their son. He further submits that the main accused/ A1 was arrested and remanded to judicial custody. Hence, he prays for grant of anticipatory bail to the petitioner.

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4. The learned Government Advocate appearing for the respondent submits that the A1 had abducted the minor victim girl, who is aged 15 years. He further submits that the statement of the victim u/s 164 Cr.P.C. was recorded. He further submits that A1 was arrested and remanded to judicial custody. However, he vehemently opposed for grant of bail to these petitioners.

5. Considered the submissions made on either side and also perused the materials available on records carefully, including the statement of the victim u/s 164 Cr.P.C.

6. On a perusal of the statements of the victim girl recorded under section 164 of Cr.P.C., it reveals that the victim girl and A1 were in love with each other, the victim girl, on her own volition, came out of the house from her parental home and got married, , this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

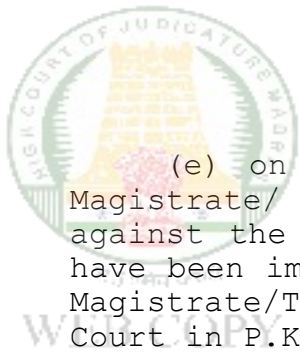
7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tiruthani on condition that each of the petitioners shall execute a separate bonds 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/-

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 THE JUDICIAL MAGISTRATE,
TIRUTHANI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUTHANI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S T.N.RANGESH KANNA Advocate on payment of necessary charges Sr.8702

CRL OP.14617/2021

Date :16/08/2021

RVR 26/08/2021