



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15668 of 2021

1 KANNAN [PETITIONERS / ACCUSED]
2 MARIAMMAL

Vs

STATE REP.BY THE [RESPONDENT]
THE INSPECTOR OF POLICE,
AWPS SANKAGIRI POLICE STATION,
SALEM.
(CRIME NO.7/2020)

For Petitioner : M/S.J.FRANKLIN Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

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

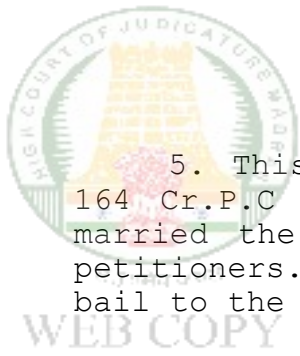
ORDER : The Court Made the following order :-

The petitioners who apprehend arrest for the alleged offence under Sections 5(j)(ii) r/w 6 of POCSO Act 2012 and U/s. 9, 10 & 11 of Prohibition of Child Marriage Act 2006 in Cr.No.7 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the parents of the victim girl. They performed child marriage to their daughter/victim girl with the accused A1. Thereby, the Social Welfare Officer complained the law enforcing agency. Hence, the Law Enforcing Agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution. He further submits that the victim girl on her own married the accused/A-1. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl side) submits that the petitioners, who were the parents of the victim girl performed marriage of their daughter. He further submits that the Statement of the victim U/s 164 Cr.P.C has also been recorded.



5. This Court perused the Statement of the victim recorded U/s 164 Cr.P.C in which the victim girl has clearly stated that she married the accused/A1 and there is no material pointing to the petitioners. Therefore, 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 POCSO Court, Salem, 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/-

01/09/2021

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.



1 THE POCSO COURT,
SALEM.

WEB COPY

2 THE INSPECTOR OF POLICE,
AWPS SANKAGIRI POLICE STATION,
SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.J.FRANKLIN Advocate on payment of necessary charges
SR.NO.9370

CRL OP.15668/2021

Date :01/09/2021

CSK 13/09/2021