



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15804 of 2021

AJITH

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
AWPS,
PONNERI,
THIRUVALLUR DISTRICT.
(CRIME NO. 12 OF 2021).

[RESPONDENT]

For Petitioner : M/S P.CHANDRASEKAR Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest for the alleged offence under Sections 6, 5(1) 5(j)(ii), of Protection of Child from Sexual Offences Act, 2012, and Section 9, 10 of Prohibition of Child Marriage Act 2006 in Cr.No.12 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner was in love with the victim girl, aged about 16 years and had sexual relationship, due to which the victim girl got pregnant. Thereafter, both the families performed marriage between the petitioner and the victim girl. Hence, the law enforcing agency registered a case against the petitioner.



3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submits that the marriage was performed with the consent of both the families. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that the petitioner had physical contact with the victim girl, as a result of which the victim girl, aged about 16 years gave birth to a female child. Hence, he opposed to grant anticipatory bail to the petitioners.

5. This Court perused the Statement of the victim recorded U/s. 164(5) Cr.P.C which reveals that the victim girl married the petitioner with the blessings of the elders.

6. In view of the above fact, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) Accordingly, petitioner is ordered to be released on anticipatory 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 Mahila Court at Thiruvallur on condition that the petitioners shall execute a 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:

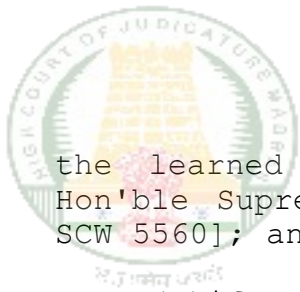
(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner 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;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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 petitioner released on anticipatory 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;

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

-sd/-

08/09/2021

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 MAHILA COURT,
THIRUVALLUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
AWPS, PONNERI,
THIRUVALLUR DISTRICT.

+1 CC to M/S P.CHANDRASEKAR Advocate on payment of necessary charges SR.NO.9760

CRL OP.15804/2021

Date :08/09/2021

RW 27/09/2021