



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.15861 of 2021

1 SUNDARAMPAL [PETITIONERS / ACCUSED]
2 JAYALAKSHMI @ SELVI
3 ANBARASI @ RANJANI
4 SELLAMMAL
5 GOMATHI

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ATTUR,
SALEM DISTRICT.
CRIME NO.10 OF 2021.

For Petitioner : M/S E.KANNADASAN 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 petitioners who apprehend arrest for the alleged offence under Sections 9, 10 of Prohibition of Child Marriage Act 2006 and Section 5(1) and 6 of Protection of Children from Sexual Offence Act 2012 in Cr.No.10 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are close relatives of the victim girl. They forcibly performed the marriage of the victim girl with accused/A-1 and based on the complaint of the victim girl, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submits that the marriage was arranged by the mother of victim girl, in which the petitioners participated without knowing the age of the victim girl. Hence, he
<https://hcservices.ecourts.gov.in/hcservices/>
prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) submits that the petitioners are close relatives of the victim girl, who forcibly performed the marriage of the victim. He further submits that the Statement of the victim U/s. 164 Cr.P.C has also been recorded. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. This Court perused the Statement of the victim recorded U/s. 164 Cr.P.C, which reveals that the petitioners had performed the marriage of the young victim girl, except this allegation, there is no other allegation made against the petitioners.

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

(a) Accordingly, petitioners are 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 **Special POCSO Court, Salem**, on condition that the petitioners shall execute 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:

(b) 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;

(c) the petitioners shall report before the respondent police as and when required for interrogation;

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

(e) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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

WEB COPY

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 SPECIAL POCSO COURT,
SALEM.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ATTUR,
SALEM DISTRICT.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S E.KANNADASAN Advocate on payment of necessary charges SR.NO.9763

CRL OP.15861/2021

Date :08/09/2021

INBA-27/09/2021