



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15906 of 2021

ARUKKANI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SANKARI,
SALEM DISTRICT.
CRIME NO. 13 OF 2021.

[RESPONDENT]

For Petitioner : M/S. M.GNANASEKAR Advocate

For Respondent : M/S. A.GOPINATH, Govt. Advocate (Crl. 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 punishable under Sections 363,366 IPC & 5(1) r/w 6 of POCSO Act 2012 and 9,10 Prohibition of Child Marriage Act 2006 , in Crime No.13 of 2021, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution is that the petitioner performed child marriage to the defacto complainant. Thereby the welfare committee filed a complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner did not committed any offence as alleged by the prosecution and she have been falsely implicated in this case. In fact A2 is the mother of A1.

4. The learned Government Advocate submitted that the petitioner performed child marriage to the defacto complainant. Hence he opposed for grant of anticipatory bail to the petitioner.



5. This court perused the 164 statement. On perusal of 164 statements reveals that suppression of victim girl's age, the victim girl's family performed the marriage. However the victim girl did not made any allegation against the petitioner. In fact A2 is the mother of A1.

6. Considering the facts and circumstances of the case, there is no serious allegations was made against the petitioner. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Special Court for exclusive trial of cases under POCSO Act, Salem on condition that the petitioner 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 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;

(b) 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;

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

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

14/09/2021

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 SPECIAL COURT FOR
EXCLUSIVE TRAIL OF CASES UNDER POCSO ACT,
SALEM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SANKARI,
SALEM DISTRICT.

+1 CC to M/S. M.GNANASEKAR Advocate on payment of necessary charges SR.No.10079

CRL OP.15906/2021

Date :14/09/2021

APN 06/10/2021