



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.16017 of 2021

1 VALLARASU [PETITIONERS / ACCUSED]
2 RAJI
3 RAJAMMAL
4 DHARMARAJ

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
MAGUDANCHAVADI POLICE STATION,
SALEM DISTRICT
(CRIME NO.91/2021)

For Petitioner : M/S T.N.RANGESH KANNA 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 petitioners, who apprehend arrest for the alleged offence punishable under Sections Girl Missing and then altered to 366 IPC r/w Section 9,10 of Prohibition of Child Marriage Act 2006 and 5(1) r/w 6 or POCSO Act , in Crime No.91 of 2021, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution is that the petitioner A1 kidnapped the victim girl and forcefully performed the marriage. Thereby the law enforcing agency registered a case against the petitioners.

3. The learned counsel appearing for the petitioners submits that the petitioners did not committed any offence as alleged by the prosecution and they have been falsely implicated in this case.



4. The learned Government Advocate submitted that petitioner A1 kidnapped the victim girl and forcefully performed marriage. Hence he opposed for grant of anticipatory bail to the petitioners.

5. This court perused the 164 statement. On perusal of 164 statement, reveals that A1 kidnapped the victim girl and had physical relationship with her.

6. Considering the facts and circumstances of the case, this court not inclined to grant anticipatory bail to A1. Accordingly A1 is dismissed. However, no serious allegation was made against the other petitioners. Hence this court inclined to grant anticipatory bail other petitioners A2, A3, & A4.

7. Accordingly, the petitioners 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 Judicial Magistrate II - Sankari/POCSO court at 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 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 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 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.



8. Accordingly, this Criminal Original Petition is dismissed for A1 and granted for A2, A3 and A4

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 INSPECTOR OF POLICE,
MAGUDANCHAVADI POLICE
STATION, SALEM DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S T.N.RANGESH KANNA Advocate on payment of necessary charges SR.No.10113

CRL OP.16017/2021

Date :14/09/2021

APN 01/10/2021