



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Seventh day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16470 of 2021

VASANTH

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VELLORE,
VELLORE DISTRICT
CRIME NO.16/2021

[RESPONDENT]

For Petitioner : M/S.G.VINODHKUMAR 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 petitioner, who apprehends arrest for the alleged offence under Section 376(3) of IPC and 5(1), 6 of POCSO Act and 9 of Prohibition of Child Marriage Act 2006 in Crime No.16 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. Their marriage was solemnized in the year 2020 and they were blessed with a male child on 29.08.2021 at Government Hospital. Since the defacto complainant is aged only 16 years, the doctor informed the police. The police arrived at the hospital and recorded the statement of the defacto complainant. Hence, the Law Enforcing Agency registered a case against the petitioner.



3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submits that the victim girl and the petitioner loved each other and the victim girl on her own volition married the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate submitted that the statement of the victim girl has been recorded under Section 164 Cr.P.C and there is no allegation made against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5.A perusal of the statement of the victim girl recorded under Section 164 Cr.P.C reveals that the petitioner and the victim girl loved each other and the victim girl on her own volition married the petitioner and there is no allegation made against the petitioner. In such circumstances this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

(a) Accordingly, the petitioner is 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 learned Special Judge for Exclusive Trial of Cases under POCSO Act, Vellore on condition that the petitioner 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 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/-

27/09/2021

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 JUDGE FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
VELLORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VELLORE, VELLORE DISTRICT.

+1 CC to M/S.G.VINODHKUMAR Advocate on payment of necessary
charges SR.NO.10623

CRL OP.16470/2021

Date :27/09/2021

RW 05/10/2021