

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.18218 of 2020

1. Perumal ... Petitioners
2. Dhanabakkiyam
3. Babyshalini

Vs.

State Rep. by ... Respondent
The Inspector of Police,
All Women Police Station,
Mettur,
Salem District.
(Crime No.07 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of arrest in Crime No.07 of 2020 pending investigation on the file of the respondent police.

For Petitioners: Mr.S.Periasamy

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest for the alleged offence under Sections 363, 109 @ 363 IPC & 5(1) r/w.6 of POCSO Act & 9 of Child Marriage Act, 2007 in Crime No.07 of 2020, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are ranked as A2 to A4 in this case. The petitioners are parents and sister of A1. The allegation is that the victim girl aged about 15 years was fell in love with A1 and A1 with the help of these petitioners kidnapped the minor victim girl for the purpose of getting marriage. Based on the complaint lodged by the father of the victim girl, the crime has been registered.

3.The learned counsel for the petitioners would submit that the petitioners are the parents and sister of A1. Without the knowledge of these petitioners, the minor victim girl and A1 got

married. He would further submit that the petitioners are innocent and no way connected with the said offence. It would further submit that A1 was arrested and released on bail. Therefore, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor on instructions would submit that A1 and the victim minor girl loved each other and got married. Now the girl has been produced before the judicial custody and obtained 164 statement from her.

5. On perusal of the record, it is seen that the victim minor girl has been secured and in her 164 statement, on her own volition, she left from her parental home along with A1 and got married. Absolutely, there is no allegation against these petitioners.

6. Considering the fact that A1 was arrested and released on bail and that the victim minor girl has been secured, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate II, Mettur, on condition that the petitioners shall execute a 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the first 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 and in respect of petitioners 2 and 3 are concerned, being ladies, 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

07/01/2021

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 JUDICIAL MAGISTRATE II,
METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
METTUR, SALEM DISTRICT.

CC to M/S.S.PERIASAMY Advocate on payment of necessary charges

CRL OP.18218/2020

Date :07/01/2021

MN-25/01/2021