



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Eighth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16913 of 2021

KAMALAKASAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAMAKKAL,
NAMAKKAL DISTRICT.
CR.NO.10 OF 2021.

[RESPONDENT]

For Petitioner : M/S. V.R.ANNAGANDHI Advocate

For Respondent : M/S. 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 punishable under Section 9 of Child Marriage Act, and Section 6 r/w 5(i)(ii) of POCSO Act - 2012, in Crime No.10 of 2021, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution is that the petitioner kidnapped the defacto complainant's minor daughter and thereby performed the marriage. Hence the complaint.

3. The learned counsel appearing for the petitioner on instructions submits that the petitioner did not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner had love affair with the defacto complainant's daughter and thereby performed the marriage in Kollimalai Temple. Hence he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner kidnapped the defacto complainant's minor daughter and



performed marriage. He further submitted that on 25.09.2021, the victim girl was admitted in Government Hospital, Namakkal. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. This court perused the 164 statement. On perusal of 164 statement reveals that the victim girl on her own volition performed the marriage and delivered a baby and also that the petitioner is none other than her own uncle's son.

6. Considering the facts and circumstances of the case and also considering that no serious allegation was made against the petitioner, this Court 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 Mahila Court, Namakkal 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 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-

28/09/2021

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 MAHILA COURT
NAMAKKAL

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S. V.R.ANNAGANDHI Advocate on payment of necessary charges SR.No.10746

CRL OP.16913/2021

Date :28/09/2021

APN 07/10/2021