



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17122 of 2021

1 MALAR @ MALARKODI [PETITIONERS / ACCUSED]
2 RAVI @ RAVIKUMAR
3 GANESAN
4 SURESH

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ATTUR,
SALEM DISTRICT
CRIME NO.12 OF 2021

For Petitioners : M/S.E.KANNADASAN 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 9, 10 of Prohibition of Child Marriage Act 2006 r/w Section 5(1) and 6 of Protection of Children From Sexual Offence Act 2012, in Crime No.12 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to the love affair between A1 and the victim girl. Further, A1's parents and the victim's parents have performed the marriage between A1 and the victim girl and A1 got married the victim girl. Further, A1 has made sexual intercourse with the victim girl. Hence, the complaint.



3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the petitioners are the parents of A1 and in-laws of the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submitted that the victim girl has been secured and 164 statement has also been recorded. He further submits that there is no previous case pending against the petitioners. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. This Court had perused the statement of the victim under Section 164 of Cr.P.C. which reveals that the victim, on her own volition went along with A1 and they got married and further, there is no specific overt act has been attributed against the petitioners and the victim girl has been secured, this Court is inclined to grant anticipatory bail to the petitioners.

6.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 of receipt of a copy of this order, before the Special POCSO Court, Salem, on condition that each of 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:

(a)if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)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 first petitioner shall report before the respondent police as and when required for interrogation and the petitioners 2,3 and 4 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 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 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;

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

-sd/-
23/09/2021

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 POCSO COURT,
SALEM.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ATTUR, SALEM DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR.NO.10505

CRL OP.17122/2021

Date :23/09/2021

JPA 05/10/2021