

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.19546 of 2020

1.Arumugam
2.Manikkammal
3.Govindaraj

... Petitioners

Vs.

The State Rep. by
The Inspector of Police
All Women Police Station,
Sankari
Salem District
(Crime No.10 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.10 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Jayaprakash

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

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 5(j) (ii) & 6 of the Protection of Child from Sexual Offences Act, 2012 read with Section 9, 10 & 11 of the Prohibition of Child Marriage Act, 2006 in Crime No.10 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the petitioners 1 and 2 are the parents of A1, who said to have married the victim girl and the third petitioner is the father of the victim girl. The allegation is that the petitioners arranged the marriage of the minor girl with A1 and the marriage was taken place in the year 2019. Subsequently, the victim girl also got pregnant and she was admitted in the Government Hospital for delivery, are based on the complaint given from the authorities. a crime has been registered against the petitioners on the ground that they have forcibly married the minor girl, who is aged about 16, with A1. Hence, the present complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are no way connected with the said offence and they have been unnecessarily implicated in this case. Therefore, he seeks for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would vehemently oppose to enlarge the petitioners on bail on the ground that the victim girl is a minor aged about 16 years and that A1, who is the son of the petitioners 1 and 2 was arrested and released on bail.

5. Taking into consideration of the fact that the marriage was took place in the year 2019 and that the petitioners 1 and 2 are only the parents of A1 and the third petitioner is the father of the victim girl and also the prime accused A1 was already released on bail, this Court is inclined to grant bail to the petitioners subject to the following conditions:

a) 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 POCSO Court, Salem, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the sureties shall affix their 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.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

[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

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

With the above directions, this Criminal Original Petition is ordered.

-sd/-
05/01/2021

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 POCSO COURT,
SALEM.
- 2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SANKARI, SALEM DISTRICT.

+1CC to M/S.R.JAYAPRAKASH Advocate on payment of necessary charges SR NO.135

CRL OP.19546/2020

Date :05/01/2021

MK:19/01/2021

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