



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Tenth day of November Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI
CRIMINAL ORIGINAL PETITION No.18698 of 2021

K.CHELLAYAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PONNERI.
CRIME.NO.19/2021.

[RESPONDENT]

For Petitioner : M/S P.MANIKANNAN Advocate

For Respondent : MR.A.GOKULAKRISHNAN Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences Under Sections 376(5)(I), 5(j) (i), 5 (j) (ii), 4 of the Protection of Child from Sexual Offences Act 2012, in Crime No.19 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the victim girl is a minor of age 17. It is alleged that the petitioner fell in love with the victim girl and thereby performed marriage and begotten a male child. Here, the defacto complainant is the doctor who gave treatment to the victim girl, suspecting her age, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioner submits that the petitioner is no way connected with the occurrence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the victim girl on her own volition married the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor raised his strong objection stating that child marriage was performed to the victim girl. He further submits that the investigation almost completed. However, he opposed grant of anticipatory bail to the petitioner.



5. Considering the facts and circumstances of the case and also considering that the marriage was performed to them and the victim girl begotten a male child, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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 Hon'ble Mahila Court at Thiruvallur 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:

(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 appear before the respondent Police Station 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 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;

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

-sd/-
10/11/2021

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 MAHILA COURT,
THIRUVALLUR.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PONNERI.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S P.MANIKANNAN Advocate on payment of necessary
charges SR.NO.12651

CRL OP.18698/2021

Date :10/11/2021

INBA-18/11/2021