

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.20469 of 2020

1.Thangaveni
2.Asaithambi @ Perumal
3.Krishnaveni
4.Marimuthu
5.Raman

... Petitioners

Vs.

The State Rep. by
The Inspector of Police
Eriyur Police Station,
Dharmapuri District
(Crime No.979 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.979 of 2020 on the file of the respondent police.

For Petitioners : Mr.V.Sakkarapani

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 Section 366A IPC and Section 3 r/w 4 of POCSO Act and Section 9, 10, 11 of the Prohibition of the Child Marriage Act, 2006 in Crime No.979 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are the mother and close relatives of the victim girl. T. Earlier the first petitioner has given a complaint alleging that the victim girl was kidnapped by one Arvind. Based on the complaint, a crime was registered for girl missing, pending investigation. The victim minor girl was forcibly got married to one Marimuthu, who is the close relative of the first petitioner in the year 2017. Subsequently, the victim girl came back to the parental house and living with the first

petitioner. At that time, she was kidnapped by the said Arvind. Hence, the crime was altered to Sections 9, 10, 11 of the Prohibition of the Child Marriage Act, 2006.

3. The learned counsel appearing for the petitioner would submit that the petitioners are no way connected with the said offence and they have been falsely implicated in the said offence. Hence, 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 petitioners committed the offence in respect of child marriage which has taken place in the year 2017, at that time, the victim girl was aged about 15 years.

5. Taking into consideration of the facts and circumstances of the case as the occurrence taken place in the year 2017, petitioner being mother and relation of the victim girl, 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 Fast Track Mahila Court, Dharmapuri, 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 SCW 5560].

[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 FAST TRACK MAHILA COURT,
DHARMAPURI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ERIYUR POLICE STATION,
DHARMAPURI DISTRICT.

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

CRL OP.20469/2020

cs 25/01/2021

Date: 05/01/2021

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