

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20620 of 2020

1. Murugan
2. Valli
3. Sivakami
4. Venkataraman
5. Rajagopal
6. Mani

.. Petitioners

Vs.

Inspector of Police,
All Women Police Station,
Denkanikottai,
Krishnagiri District.
(Crime No.11 of 2020)

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code praying to enlarge the petitioners on bail in the event of their arrest in Crime No.11 of 2020 pending trial on the file of the respondent.

For Petitioners: Mr.Ranjith Vijayalan

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

ORDER

(The case has been heard through video conference)

The petitioners are A2 to A6. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 5(1) and 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 10 and 11 of Prohibition of Child Marriage Act, 2006, in Crime No.11 of 2020 on the file of the respondent police, the petitioners seek anticipatory bail.

2. The case of the prosecution is that the petitioners 1 and 2 are the parents of A1. Petitioners 3 to 6 are friends and relatives of A1. A1 in this case is stated to have married the defacto complainant when she was a minor and subsequently after she attained majority he once again married her. Thereafter he demanded dowry from her and deserted her. Hence, the respondent police registered a case against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioner did not indulge in any offence. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners herein facilitated child marriage between A1 and the defacto complainant.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory 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 learned Judicial Magistrate, Denkanikottai, 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 appear before the respondent police 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].

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

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

-sd/-
19/02/2021

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 JUDICIAL MAGISTRATE,
DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DENKANIKOTTAI, KRISHNAGIRI.

+1 CC to M/S V.MUTHUPANDI Advocate on payment of necessary charges SR NO. 2106

CRL OP.20620/2020

Date :19/02/2021

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