



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19721 of 2021

1 MURUGAN
2 SUNDARI

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANCHIPURAM,
KANCHIPURAM DISTRICT.
CR.NO. 8 OF 2021.

[RESPONDENT]

For Petitioner : M/S. A.SARANRAJ Advocate

For Respondent : M/S. 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 for the alleged offence punishable under Section 363, 366 of IPC and Section 5 and 6 of POCSO Act and section 9 of Child Marriage Act 2006, in Crime No.8 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that petitioners family performed child marriage to the victim minor girl of age 15. Hence the Law Enforcing Agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that the petitioners family performed child marriage to the victim minor girl.He further submits that A1 had enlarged on bail. However, he vehemently opposed grant of anticipatory bail to the petitioners.



5. This Court perused the 164 statement. On perusal of 164 statement reveals that the victim minor girl had love affair with One Veeraragul. The accused Veeraragul took photos with the victim girl in his mobile. Subsequently, Victim girl's mother approached A1 to secure the photographs and to warn Veeraragul. Thereafter she made arrangement for marriage of the victim minor girl with A1.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners 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 learned Judicial Magistrate No -11, Kanchipuram on condition that the petitioners 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 petitioners shall affix his 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 petitioners 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.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 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;



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

WEB COPY

-sd/-

22/10/2021

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,
NO.II, KANCHIPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
KANCHIPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANCHIPURAM, KANCHIPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. A.SARANRAJ Advocate on payment of necessary charges
SR.No.11737

CRL OP.19721/2021

Date :22/10/2021

APN 28/10/2021