



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the First day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19732 of 2021

SEKAR @ GUNASEKAR

[PETITIONER / ACCUSED]

Vs

STATE REP.BY ITS
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KRISHNAGIRI,
KRISHNAGIRI DISTRICT.
CRIME NO.18 OF 2021.

[RESPONDENT]

For Petitioner : M/S. M.P.SARAVANAN 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 petitioner, who apprehends arrest for the alleged offence under Section 363, 366 of IPC, 5(I) r/w 6 of POCSO Act 2012 and Sections 9, 10 of Prohibition of Child Marriage Act in Crime No.18 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that accused/A-1 with other accused persons have forcibly kidnapped the victim girl and performed marriage with A-1 and accused/A-1 had sexual relationship with the victim and thereafter, the victim girl was dropped by him at her native place. Thereby, the victim girl's father lodged a complaint against the petitioner and the other accused persons.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. He further submitted that the victim girl on her own volition eloped with the main accused and got married with A-1 and further submitted that the victim girl has not even mentioned the name of the petitioner in the 164 Statement which was recorded by her. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submitted that the main accused had forcibly kidnapped the victim girl and married her and the petitioner herein helped the main accused to marry the victim girl. The statement of the victim girl has also been recorded under Section 164 Cr.P.C. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. A perusal of the statement of the victim under Section 164 Cr.P.C reveals that the main accused had forcibly kidnapped the victim girl and married her. However, the petitioner only participated in the marriage and no allegation made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

(a) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri 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:

(b)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;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner 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 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;



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

WEB COPY

-sd/-

01/11/2021

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 SESSIONS JUDGE
FAST TRACK MAHILA COURT,
KRISHNAGIRI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S. M.P.SARAVANAN Advocate on payment of necessary charges SR.No.12274

CRL OP.19732/2021

Date :01/11/2021

APN 16/11/2021