

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20622 of 2020

1.Sharuk ... Petitioners/Accused  
2.Abubulla  
3.Munna @ Sirispala Thowheed Basha  
4.Allbagash  
5.Shakila

-Vs-

State By, ... Respondent/Complainant  
The Inspector of Police,  
All Women Police Station,  
Thiruttani, Thiruvallur District.  
(Crime No.8 of 2020)

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest in Crime No.8 of 2020 on the file of the respondent police.

For Petitioners: Mr.G.P.Sivakumar

For Respondent : Mr.S.Karthikeyan  
Additional Public Prosecutor

**ORDER**

(Heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 363, 313 & 506(i) of IPC & 4, 5(i), 6 of POCSO Act, 2012, in Crime No.8 of 2020, on the file of the respondent police, seek anticipatory bail.

2.Totally there are eight accused and the petitioners are arrayed as A3 to A5, A7 and A8. The 1<sup>st</sup> petitioner is the brother of A1, the petitioners 2 to 4 are the relatives and 5<sup>th</sup> petitioner is the mother of A1. The case of the prosecution is that the 1<sup>st</sup> accused had a love affair with the defacto complainant who is aged about 17 years and on 25.05.2019 at about 11.00 a.m., the 1<sup>st</sup> accused went to house of the defacto complainant, had physical relationship with her and promised to marry her and subsequently, continued the said relationship with her on several occasions, due

to which, the defacto complainant got pregnant. Thereafter, the 1<sup>st</sup> accused took away the defacto complainant to Nagore on 12.09.2019 and kept her with him till 20.09.2019 and with the help of petitioners, he had forcibly given tablets to her, by which she got aborted. He also threatened her not to reveal anything to anybody and later, he handed over the victim to her parents.

3.The learned counsel appearing for the petitioners would submit that the petitioners have nothing to do with the offence and the main accused is A1 who had love affair with the defacto complainant. He would submit that A1 participated in the mediation with regard to marriage proposal that he will marry the victim girl after she attains the age of majority.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the main accused A1 had love affair with the defacto complainant who is a minor girl and had physical relationship with her by making her to believe that he would marry her and made her pregnant. Thereafter, he compelled her to get abortion. He would further submit that A1 was arrested and released on bail and A6 was granted anticipatory bail by this Court.

5.Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of this case and the main accused released on bail and similarly placed Co-accused was granted Anticipatory Bail, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

7.Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Mahila Court, Thiruvallur, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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:

[a] the petitioners and 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.

[b] the petitioners shall report before the respondent police every day at 10.30 a.m., for a period of two week and thereafter as and when required.

[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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-  
19/01/2021

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 MAHILA COURT,  
THIRUVALLUR.

2 THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
THIRUTTANI, THIRUVALLUR DISTRICT.

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.G.P.SIVAKUMAR Advocate on payment of necessary charges SR NO. 589

CRL OP.20622/2020

Date :19/01/2021