



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.20088 of 2021

1 SATHISH

[PETITIONER / ACCUSED]

2 SANKAR

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
BARGUR,
KRISHNGIRI DISTRICT.
CR.NO.04 OF 2021.

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 petitioners, who apprehend arrest for the alleged offence under Section 366(A) of IPC, 5(I) r/w 6 of POCSO Act 2012 and Sections 9 of Prohibition of Child Marriage Act and 506(i) of IPC in Cr.No.04 of 2021 on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that the petitioners are the brother and father of the accused/A-1. The accused/A-1 forcibly took the victim girl and married her without the consent of the victim girl and took her to his house where the petitioners harassed the victim girl and also threatened her with dire consequences. Thereby, the defacto complainant/victim girl lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that accused/A-1 is the husband of the victim girl, who married the victim girl without her consent and the petitioners are only the family members of A-1 and furthermore submitted that accused/A-1 was enlarged on default bail by the trial court. Hence he plays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) submitted that the petitioners are brother and father of accused/A-1 and the second petitioner misbehaved with the victim girl and the first petitioner used to sleep in the victim girl's room without wearing any dress and she was locked in a dark room and harassed by the petitioners. The statement of the victim girl has been recorded under Section 164 Cr.P.C. in which the victim has made serious allegation against the petitioners. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. A perusal of the Statement of the victim under Section 164 Cr.P.C. in which the victim girl has revealed that A-1 forcibly took the victim girl and married without her consent and also pointed serious allegation against the petitioners and A-1 enlarged on bail by the trial court would not be applicable for the petitioners and further considering the gravity of offence committed by the petitioners, this court is not inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is dismissed.

-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 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
BARGUR,
KRISHNGIRI DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. M.P.SARAVANAN Advocate on payment of necessary charges

CRL OP.20088/2021

Date :01/11/2021

TA-17/11/2021