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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.20637 of 2021

Sakthi

... Petitioner

Vs.

State Rep. By
The Inspector of Police,
Vennandhur Police Station,
Namakkal District.
Crime No.895 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.895 of 2020 on the file of the respondent.

For Petitioner : Mr.W.Camyles Gandhi

For Respondent : Mr.N.S.Suganthan

Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections Girl Missing @ U/Sec.5(1) r/w Sec.6 of the POCSO Act, in Crime No.895 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the victim girl were in love affair and apprehending that their parents will reject their relation and separate them by way of marriage with other person, and hence, the victim girl eloped with the petitioner and got married. Thereafter, the father of the victim girl gave a complaint before the respondent police as girl Missing. At the time of marriage, the victim girl was minor. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl were loved each other and got married. Out of their wedlock, they blessed with twins children. On seeing the age of the victim girl, at the investigation of the hospital authority, the mother of the victim girl gave a complaint against the petitioner. He would further submit that already the petitioner got married the victim girl and now, she has attained



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4. The learned Government Advocate (Crl.side) appearing for the respondent submits that 164 statement was recorded, and she also admits that twins baby were born to the victim girl. Now she is in the custody of the elder members of their family. He also submits that investigation is almost completed.

5. Considering the facts and circumstances of the case, and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Rasipuram 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 petitioner is directed to report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 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]**.

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

-sd/-

18/11/2021

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 JUDICIAL MAGISTRATE,
RASIPURAM, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VENNANDHUR POLICE STATION,
NAMAKKAL DISTRICT.

+1 CC to M/S W.CAMYLES GANDHI Advocate on payment of necessary
charges SR.NO.12989

CRL OP.20637/2021

Date :18/11/2021

TA-25/11/2021