



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.22452 of 2021

Bhuvana @ Bhuvaneswari

... Petitioner

Versus

State Rep by
The Inspector of Police
All Women Police Station,
Poonamallee, Chennai-56
(Crime No.24 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of their arrest in Crime No.24 of 2021 pending investigation on the file of the respondent police.

For Petitioner : M/s.C.P.Sivamohan

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences under sections 376(3), 498 (A), 494, 506(1) IPC, 5(1) (n) r/w Sec.6 of POCSO Act 2012 & 9, 10 of the Prohibition of Child Marriage Act 2006, in Crime No.24 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the age of the defacto complainant/victim girl is 15 years and the age of the accused is about 29 years. The defacto complainant's sister one S.Gayathri was married to the A1's brother who is A2. The marriage took place on 24.01.2016. It was an arranged marriage and the marriage between the A1 and the victim took place on 04.04.2016. On the side of the victim stated that A1 compelled and forced the victim girl's mother to marry the victim Vardhini to A1. Hence, the marriage was taken place on 04.04.2016. At the time of marriage the victim girl was below the age of 18 years and A1 has committed aggravated penetrative sexual assault on the victim girl repeatedly.The petitioner herein being



servant of the temple where A1 works as Pusari and when the victim had been to A1's house, she found A7/Petitioner claiming to be A1's wife. Hence, the defacto complainant lodged a complaint against the petitioner.

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3. The learned counsel appearing for the petitioner submits that the petitioner is no way connected with the occurrence as alleged by the prosecution and she has been falsely implicated in this case. He further submits that the petitioner is far relative of A1 and she used to visit their house to assist A1 in temple activities. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that prior to the marriage of victim with A1, the accused/A1 had developed intimacy with the petitioner herein and further submits that the investigation is almost completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case and that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and with an advice that she should not contact the family members of the defacto complainant and not to cause any threat to A1's wife.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate-I, Poonamalle** 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:

(a) 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;

(b) the petitioner is directed to appear before the respondent police daily at 10.30 a.m and thereafter 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]**; and;

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

-sd/-
06/12/2021

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.I, POONAMALLE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POONAMALLEE, CHENNAI-56.

+1 CC to M/S. C.P.SIVAMOHAN Advocate on payment of necessary charges SR.NO.14129

CRL OP.22452/2021

Date :06/12/2021

TA-09/12/2021