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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23541 of 2021

1.Saraswathi
2.Maha @ Mahalakshmi
3.Murugan
4.Poongavanam ... Petitioner

Versus

State Rep by
The Inspector of Police,
All Women Police Station,
Vandhavasi,
Thiruvannamalai District.
(Crime No.15 of 2021) ... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.15 of 2021 pending investigation on the file of the respondent police.

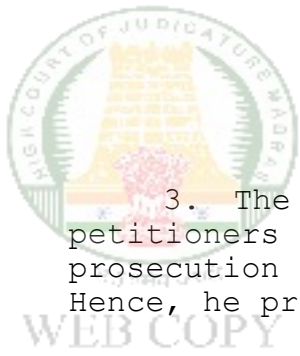
For petitioners : Mr.S.Sasikumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under section 9, 10 of Prohibition of Child Marriage Act 2006 and Section 11(1) & 12 of POCSO Act 2012, in Crime No.15 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the petitioners are blood relatives of the main accused. It is alleged that the petitioners conducted child marriage to the victim girl of age 17 with the main accused. It is further alleged that the main accused sexually harassed the victim girl. Hence, the complaint was registered.



3. The learned counsel for the petitioners submits that the petitioners did not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submits that the investigation almost completed. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance before the Learned Special Judge for Exclusive Trial of POCSO Act Cases, Thiruvannamalai on condition that the petitioners 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 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/A3 & A4 are directed to report before the respondent police on every Wednesday at 10.30.a.m, and the petitioners/A1 & A2 are directed to report as and when required for interrogation;

[c] the petitioners shall not tamper with the 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-

07/12/2021

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 SPECIAL JUDGE FOR
EXCLUSIVE TRIAL OF POCSO ACT CASES,
THIRUVANNAMALAI .

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VANDHAVASI, THIRUVANNAMALAI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SASIKUMAR Advocate on payment of necessary
charges SR.NO.14181

CRL OP.23541/2021

Date :07/12/2021

RW 14/12/2021