



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23619 of 2021

A.Krishnamoorthy

... Petitioner

Versus

State represented by
The Inspector of Police,
Kottucherry Circle Police Station,
Karaikal District.
(Crime No.106 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on an anticipatory bail in the event of his arrest in Crime No.106 of 2021 on the file of the Inspector of Police, Kottucherry Circle Police Station, Karaikal on such terms and conditions.

For Petitioner : Mr.K.V.Sridharan

For Respondent : Mr.Balamurugane,
Additional Public Prosecutor (P)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 6 and 17 of POCSO Act, 2012 and Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006 and Section 21 of POCSO Act, 2012 in Crime No.106 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the complaint given by Protection Officer, Department of Woman and Child Development, Karaikal, the respondent police registered a case in Crime No.106 of 2021 under various Sections of Protection of Child Marriage Act, 2012 and POCSO Act, 2012. The Sections under which the FIR was registered and the case was registered on 15.02.2021. Maruvarasi is a child on the date of marriage. Her age is more than 17 years, she is not a major. Further case is that it is the duty of the Protection Officer, the accused herein to prevent the child marriage. But it was not and



no complaint was given to the police. There is long delay in filing the FIR. He is the defacto complainant in this case. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the investigation is almost completed and the enquiry is completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, the petitioner is still in service, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Special Court for POCSO, Karaikal, 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 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 shall report before the respondent police on every Saturday at 10.30 a.m., until further orders;

(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.

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-sd/-
08/12/2021

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 COURT FOR POCSO
KARAIKAL.

2 THE INSPECTOR OF POLICE,
KOTTUCHERRY CIRCLE POLICE STATION,
KARAIKAL DISTRICT.

3 THE PUBLIC PROSECUTOR
PUDUCHERRY.

+1 CC to M/S.K.V.SRIDHARAN Advocate on payment of necessary charges SR.NO.14307

CRL OP.23619/2021

Date :08/12/2021

JPA 13/12/2021