



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23821 of 2021

G. Munusamy

... Petitioner

Versus

State Rep by
The Inspector of Police
M-6, Manali Police Station,
Chennai - 600 068.
(Crime No.1251 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.1251 of 2021 pending investigation on the file of the respondent police.

For Petitioner : M/s.T.R.Udaya Kumar

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 the Prohibition of Child Marriage Act and 51 r/w 6 of POCSO Act in Crime No.1251 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that son of the petitioner one Sivakumar had love affair with the victim girl and eloped with her. Hence, the defacto complainant, who is the father of the victim girl lodged a complaint before the respondent police that her daughter was missing. Hence, the complaint.

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 he has been falsely implicated in this case. He further submits that the petitioner doesn't know anything about the said occurrence and he was known to that only when the respondent police called him for enquiry. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Additional Public Prosecutor submits that the petitioner has performed child marriage of A1 with the victim girl and that the petitioner is arrayed as A2. He further submits that yet the statement of 164 Cr.P.C has not been recorded and furthermore submits that the victim girl was secured and the investigation is almost completed. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the fact that the victim girl was secured and that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Thiruvottriyur 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 on every Sunday at 10.30 a.m for a period of four weeks 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.

WEB COPY

-sd/-

21/12/2021

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,
THIRUVOTTRIYUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
M-6, MANALI POLICE STATION,
CHENNAI 600 068

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S T.R.UDAYA KUMAR Advocate on payment of necessary charges Sr.15232

CRL OP.23821/2021

Date :21/12/2021

RVR 29/12/2021