



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourteenth day of December Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.24320 of 2021

1 S.THILAGAVATHY
2 B.REVATHI

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION
SALEM TOWN POLICE STATION,
SALEM.
CR.NO. 42/2021.

[RESPONDENT]

For Petitioner : M/S K.AKSHAYA FOR M/S. S.MANOCHARAN Advocate

For Respondent : Mr.S.BALAJI, Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest for the alleged offence under Sections 363, 366, 366(A), 344 of IPC and 5(1), r/w. 6 and 15 r/w. 16 of POCSO 9 of Child Marriage Act in Cr.No.42 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 18.05.2021 at about 01.00.p.m. the de-facto complainant's younger daughter/victim girl left the home to purchase vegetables and thereafter, she did not return home. Pursuant to which, the de-facto complainant searched for her daughter everywhere, but she was unable to find her. Hence, the complaint.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and since the victim girl's parents arranged marriage for her with some other bride-groom, the victim girl on her own volition left her house and married one Moorthy. He further submitted that the petitioners are not aware of the victim girl's age during the time of marriage. He also submitted that the petitioners are only the sister-in-law of the main accused and the main accused was already enlarged



on bail by the Trial Court. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl side) submits that the victim is a minor girl aged about 16 years and the petitioners have performed the marriage of the victim girl with one Moorthy. He further submitted that the 164 statement was also recorded from the victim girl. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5.Considering the submissions made by the learned counsel for both sides, since the main accused was already enlarged on bail by the trail Court and the petitioners herein are only sisters-in-law of the main accused, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court at Salem, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m. For a period of two weeks and thereafter, as and when required for interrogation;

(c)the petitioners shall not tamper with 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]; and;



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

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-sd/-

14/12/2021

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 ADDITIONAL MAHILA COURT,
SALEM

2 INSPECTOR OF POLICE,
AWPS SALEM TOWN POLICE
STATION, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. S.MANOCHARAN Advocate on payment of necessary charges
SR.14773

CRL OP.24320/2021

Date :14/12/2021

RVR 20/12/2021