



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.24622 of 2021

WEB COPY

1. R.Thangam
2. R.Santhiya
3. S.Sathya
4. R.Nethaji
5. V.Nadarajan
6. C.Sidhaiyan
7. V.Raja @ Kandhasamy

...Petitioners

Versus

The State rep by
The Inspector of Police
All Women Police Station,
Omalur, Salem District.
(Crime No.20 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.20 of 2021 pending investigation on the file of the respondent police.

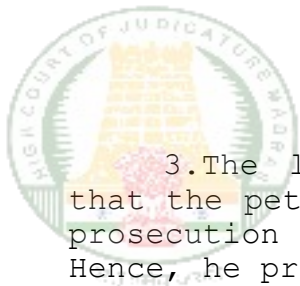
For Petitioners : Mr.V.Ramana Reddy

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 9 and 10 of the Prohibition of Child Marriage Act, 2006 and Sections 5(1), 5(j)(ii), 6, 16 and 17 of the Protection of Child from Sexual Offences Act, 2012, in Crime No.20 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have performed the marriage between the first accused and the defacto complainant aged about 16 years and thereafter, the first accused had sexual intercourse, she became pregnant and went to her mother's house and delivered one male child. In the mean time, the first accused planned to perform another marriage. Hence, the complaint.



3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any 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 submitted that the statement under Section 164 of Cr.P.C has been recorded from the victim girl. He further submitted that the investigation is almost completed. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that there is no previous case pending against the petitioners and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 Special Court under the POCSO Act, Salem, on condition that the petitioners shall execute a separate 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) if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioners 1 to 3 shall report before the respondent police as and when required for interrogation and the petitioners 4 to 7 shall report before the respondent police on every Wednesday and Sunday at 10.30 a.m., until further orders.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;



(f) 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;

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

-sd/-

22/12/2021

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 UNDER THE
POCSO ACT, SALEM.

2 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
OMALUR, SALEM DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.V.RAMANA REDDY Advocate on payment of necessary charges Sr.15372

CRL OP.24622/2021

Date :22/12/2021

RVR 03/01/2022