



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24943 of 2021

Sivakumar

... Petitioner

Versus

State Rep by
The Inspector of Police,
Sathiyamangalam Police Station,
Erode.
(Crime No.612 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of their arrest in Crime No.612 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Thirumoorthy

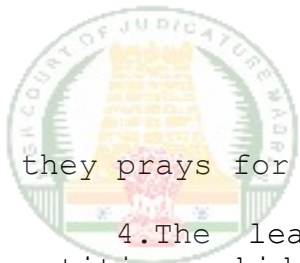
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under section 366(A) of IPC, 5(I,J) r/w 6 of Protection of Children from Sexual Offence Act 2012, r/w 10 of Prevention of Children Marriage Act, in Crime No.612 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that victim girl aged about 16 years is the daughter of the defacto complainant. It is alleged that the petitioner kidnapped the victim girl and performed marriage with her and thereafter the victim girl became pregnant. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3.The learned Counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence,



they prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the petitioner kidnapped the victim girl and performed marriage with her and thereafter the victim girl became pregnant. Hence, he opposed for grant of anticipatory bail to the petitioner.

5. This court perused the 164 statement. On perusal of 164 statement reveals that the victim girl on her own volition performed the marriage and became pregnant. Further, the petitioner filed an affidavit stating that:

(i) I am filing this affidavit to express my consent to marry the victim who is the daughter of the defacto complainant.

(ii) I am further submits that I am willing to marry the victim but the family of the defacto complainant did not give consent for the marriage by saying that I do not have equal status with that of them

6. Considering the facts and circumstances of the case as the investigation is almost completed and also considering that no serious allegation was made against the petitioner, this Court inclined to grant anticipatory bail to the petitioner with the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the Judicial Magistrate - I, Sathyamangalam on condition that the petitioner shall execute a bond for 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 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 shall report before the respondent police on every Wednesday.

(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.

-sd/-
23/12/2021

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,
NO.I, SATHYAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
SATHIYAMANGALAM POLICE STATION,
ERODE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. R.THIRUMOORTHY Advocate on payment of necessary charges SR.NO.15562

CRL OP.24943/2021

Date :23/12/2021

JPA 03/01/2022