



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.Nos.25009 of 2021

WEB COPY

1. Begam
2. Settu
3. Farithakani
4. Asharaf

... Petitioners

Versus

State Represented by  
The Inspector of Police,  
Sirupakkam Police Station,  
Cuddalore District.  
(Crime No.173 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.173 of 2021 pending investigation on the file of the respondent police.

For Petitioners : M/S.V.Manikandan

For Respondent : Mr.A.Gokulakrishnan,  
Additional Public Prosecutor

Order

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence u/s. Girl Missing @ Section 366(A) of Indian Penal Code, Section 5(L) and 6 of Protection of Children from Sexual Offences Act, 2012 and Section 9, 10 and 11 of Prohibition of Child Marriage Act, 2006 in Crime No.173 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the parents of the victim girl have arranged for marriage of the victim girl with the 4<sup>th</sup> petitioner and thereafter after the marriage, the victim girl eloped with one Vadivelu/A1 and had sexual relationship with him. Subsequently, the father of the victim girl/defacto complainant lodged a complaint that his daughter was missing. 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. However, on instructions, he further submits that the petitioners, without prejudice to their rights, are ready to abide any condition imposed by this Honourable court. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submitted that the petitioners performed child marriage for the victim girl to the 4<sup>th</sup> petitioner. The statement of the victim girl has been recorded under Section 164(2) Cr.P.C. He further submits that the investigation is almost completed. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. A perusal of the statement of the victim under Section 164(2) Cr.P.C reveals that the victim girl on her own volition went along with A1 and there is no allegations made against the petitioners and considering that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 learned Special (POCSO Act) Court, Cuddalore on condition that the petitioners shall execute 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)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 appear before the respondent police 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.

-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 SPECIAL (POCSO ACT)  
COURT, CUDDALORE.

2 THE INSPECTOR OF POLICE,  
SIRUPAKKAM POLICE STATION,  
CUDDALORE DISTRICT.

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+2 CC to M/S.V.MANIKANDAN Advocate on payment of necessary charges SR.NO.15219

CRL OP.25009/2021

Date :21/12/2021

RW 29/12/2021