



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/02/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.1118 of 2021

1. Gandhi
2. Venkatesan ... Petitioners/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Manapparai A.W.P.S.
Trichy District.
(Crime No.25/2020). ... Respondent/Complainant

For Petitioners : Mr.J.Jawahar,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

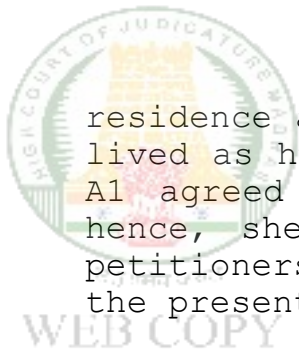
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.25/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 6 of Protection of Children from Sexual Offences Act, 2012 and Section 366(A) IPC altered into 366(A) IPC and 5(1), 6, 17 and 18 of Protection of Children from Sexual offences Act 2012, in Crime No.25 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the accused persons insisted the victim girl to marry A1 and on knowing the same, the parents of the victim girl stopped her education and taken her to their village. On the very next day, A1 gone for that village to bring the victim girl back. Thereafter, the victim girl and A1 were stayed at Kattu Thottam with the help of the other accused and they stayed there for one month. Thereafter, the shift their



residence and lived in a rental house for two months where they had lived as husband and wife. Due to intervention of local panchayat, A1 agreed to marry the victim girl when she attained major and hence, she joined in a spinning mill for work. Thereafter, the petitioners herein, arranged marriage of A1 with some other. Hence, the present complainant.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are only uncle and aunt of A1. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the investigation is pending.

5.Considering the above facts and circumstances of the case and considering the fact that the petitioners herein only uncle and aunt of A1, 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 their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Court of Sessions, Mahila Neethi Mandram Tiruchirappalli, 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 to 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 Magistrate 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 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



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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/02/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDGE,
COURT OF SESSIONS, MAHILA NEETHI MANDRAM,
TIRUCHIRAPPALLI.
- 2 THE INSPECTOR OF POLICE,
MANAPPARAI A.W.P.S. TRICHY DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1118 of 2021
Date :11/02/2021

GNS
AE/SMA/SAR-IV (17/02/2021) 3P / 4C