



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.440 of 2022

1.K.Velu

2.V.Thamarai Selvi

...Petitioners

Versus

State represented by
The Inspector of Police
AWPS Polur Station,
Tiruvannamalai District.
(FIR No.17 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 FIR No.17 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.C.Palanisamy

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 Section 376(2) n, 376(3) IPC and Section 5(1), 6 of the POCSO Act 2012 and Section 9, 10 of the Prohibition of Child Marriage Act 2006, in Crime No.17 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners have arranged the marriage between the first accused and the minor victim girl. Thereafter, the first accused got married the minor victim girl. Based on the statement given by the victim girl, a case has been registered.

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. He further submitted that the petitioners are the parents of the victim girl. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor submitted that the statement under Section 164 Cr.P.C., has been recorded from the victim girl and the victim girl has been secured. He further submitted that the investigation is almost completed and there is no previous case pending against the petitioners. 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 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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai, 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) 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 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/-

10/01/2022

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This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
TIRUVANNAMALAI.

2 THE INSPECTOR OF POLICE,
AWPS POLUR STATION,
TIRUVANNAMALAI DISTRICT.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M/S.C. PALANISAMY Advocate on payment of necessary charges

CRL OP.440/2022

Date :10/01/2022

INBA~20/01/2022