



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM:

WEB COPY

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.995 of 2022

V.Kannayyan

.. Petitioner

Vs.

State represented by
The Inspector of Police,
AWPS, Gummidipoondi,
Thiruvallur District.
Crime No.15 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police in Cr.No.15 of 2021 on the file of the respondent police.

For Petitioner : Mr.P.Chandrasekar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 363, 366, 376(2)(n) Sections 4,6, of Protection of Child from sexual offences Act, 2012, and section 9, of prohibition of child marriage Act, 2006, in Crime Number 15 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that both the petitioner aged about 19 years and the victim girl aged about 15 years had love affair with each other and thereby the petitioner performed marriage with her. Due to which, the victim girl became pregnant and admitted in Hospital. At that time, a nurse gave a complaint against the petitioner before the Law Enforcing Agency.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to live with the girl. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor submits that the investigation almost completed. He further submitted that statement of the victim girl under section 164Cr.P.C has been recorded. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering that the victim girl on her own volition went along with the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with a condition that the petitioner should take care of the victim girl and the child, to that effect he should file an affidavit of undertaking before the trial Court.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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 Mahila Court at Tiruvallur on condition that the petitioner shall execute a 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 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 daily at 10.30.a.m., until further orders.

[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 has been imposed and the petitioner is 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;

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-sd/-
28/01/2022

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 MAHILA COURT,
TIRUVALLUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
AWPS, GUMMIDIPOONDI,
TIRUVALLUR DISTRICT.

+1CC to M/S. P.CHANDRASEKAR Advocate on payment of necessary
charges SR.NO.1524

CRL OP.995/2022

Date :28/01/2022

MK:03/02/2022