



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

CORAM:

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

Cr1.O.P.No.2296 of 2022

1.Suresh
2.Sabeena

... Petitioners

Vs.

The State Represented by
The Inspector of Police,
All Women Police Station,
Tiruchengode,
Namakkal District.
(Crime No.38 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 their arrest by the respondent police concerned in crime No.38 of 2021, on the file of the respondent Police.

For Petitioners : Mr.W.Camyles Gandhi

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

ORDER

The petitioners, who apprehend arrest for the alleged offence under Sections 366 of IPC and Section 9 of the Prohibition of Child Marriage Act, 2006, and Section 5(I), 5(j) (ii) r/w 6, 21(1) of the POCSO Act, 2012, in Cr.No.38 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is daughter-in-law of the 3rd accused is the victim girl. The victim girl's mother deserted the victim father (1st petitioner) when she was three months old. After that she was raised by her father and her father married another women (2nd petitioner). The stepmother ill-treated the victim girl. While things remain so, in view of love and affection and due care shown by the 3rd accused's son, the victim girl eloped with the 3rd accused's son without



informing parents of both side. It is pertinent to mention that when the victim girl married the 3rd accused's son, she was only aged about 16 years. Further, out of said wedlock, the victim girl and 3rd accused's son blessed with a female child on 27.09.2021, at Salem Government Hospital. Since the petitioners have scolded the victim girl for not feeding the child and deteriorated by the same, the victim girl attempted to commit suicide. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners have been falsely implicated in this case. The petitioners are ready to furnish sufficient sureties for their release on bail. He further submits that the Co-accused already released on bail by this Court in CrI.O.P.No.963 of 2022, dated 20.01.2022. Hence, he prayed to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submits that investigation is almost completed and Co-accused has already been released on bail by this Court.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel and that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are directed 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 cum Fast Track Court, Namakkal, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 an 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 has 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/-
01/02/2022

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 CUM FAST TRACK COURT,
NAMAKKAL.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
TIRUCHENGODE
NAMAKKAL DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.1628

CRL OP.2296/2022

Date :01/02/2022

JPA 07/02/2022