



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2022

CORAM:

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

Crl.O.P.No.4432 of 2022

1.Periyasamy
2.Pattu
3.Rasu @ Rajendiran
4.Kaliyamoorthy
5.Dharmar
6.Sepperumal
7.Rani
8.Marimuthu

... Petitioners

Vs.

The State Represented by
The Inspector of Police,
All Women Police Station,
Perambalur District.
(Crime No.34 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.34 of 2021, on the file of the respondent Police.

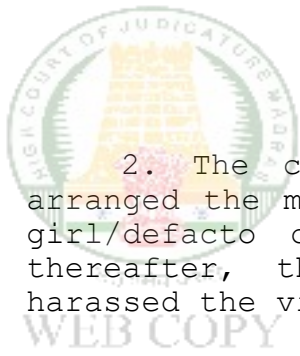
For Petitioner : Mr.G.Ilamurugu

For Respondent : Mr.L.Baskaran

Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 506(2) IPC r/w Section 5(1) and 6 of Protection of Child From Sexual Offences Act, 2012 and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, in Crime No.34 of 2021, on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that the petitioners had arranged the marriage between the first accused and the minor victim girl/defacto complainant. Further, the marriage was conducted and thereafter, the first accused along with these petitioners had harassed the victim girl and assaulted her. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the first petitioner is the parents of the A1 and other petitioners are his close relatives, A4 and A5 are parents of the victim girl and the only allegation against these petitioners is they were arranged the marriage with the A1 by suppressing the health condition of the A1. He further submitted that they are innocent persons and they are no way connected with the alleged offences and they have been falsely implicated in this case. Hence he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent opposed for granting anticipatory bail by stating that the petitioners along with other accused persons arranged the marriage to victim girl with the A1 who was suppressed with various physical ailments. He further submits that the victim girl is under the custody of her parents and the investigation almost completed and the statement under Section 164 Cr.P.C has been recorded.

5. Considering the facts and circumstances of the case and also the fact that the victim girl is under the custody of her parents and also considering the age of the first petitioner who is senior citizen and other petitioners were close relatives and the statement under Section 164 Cr.P.C has been recorded, 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 on his executing 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 learned District Sessions Judge, Mahila Court, Perambalur, and on further conditions 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 deposit a sum of Rs.1,00,000/- (Rupees One lakh Only) to the credit of crime No.34 of 2021 and the victim girl is permitted to withdraw the said amount.

[c] the petitioners shall report before the respondent police as and when required for an interrogation;



[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioners shall not abscond either during investigation or trial;

[g] 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 are 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;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-
03/03/2022

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 DISTRICT SESSIONS JUDGE,
MAHILA COURT, PERAMBALUR.

2 THE INSPECTOR OF POLICE,
AWPS PERAMBALUR POLICE STATION,
PERAMBALUR DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. G.ILAMURUGU Advocate on payment of necessary charges SR.NO.3258

CRL OP.4432/2022

Date :03/03/2022

JPA 08/03/2022