



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3668 of 2022

1 REVATHI
2 VIJAY
3 DEVI

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
REDDICHAVADI POLICE STATION,
CUDDALORE DISTRICT.
CRIME NO. 141/2021

[RESPONDENT]

For Petitioner : M/S. K.RAVEENDRAN Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under section 4 of NON Act, and 6,17, 5(1) of POCSO Act, 2012, and 9,10 of Child Marriage Act in Crime No.141 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that during the relevant point of time, the victim girl aged about 17 years was married to the 2nd petitioner. Thereafter, the victim girl eloped with one Suresh. Hence, the present case has been registered by the Law Enforcing Agency.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the alleged occurrence had happened with the consent of the victim girl. Further, the witnesses who are all necessary for investigation are all relative to each other and therefore question of tampering of evidences will not be caused in this case. Hence, he pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that during the relevant point of time, the victim girl aged about 17years after marrying the second petitioner, eloped with one Suresh. However, as of now, the victim girl was recovered and further she is with her mother. However, he opposed for grant of anticipatory bail to the petitioners.

5. The submissions made by the learned Counsel appearing on either sides are considered and perused the 164 statement placed on record.

6. The respondent police registered the case as against the petitioner for the offences punishable under sections 4 of NON Act, and 6,17, 5(1) of POCSO Act, 2012, and 9,10 of Child Marriage Act. Though, during the relevant point of time, 2nd petitioner herein has committed the offence as alleged by the prosecution, now due to the elopement of the victim girl, he alone suffered a lot along with other accused.

6. Therefore, taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners subject to certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Learned Special Judge for POCSO Act, Cuddalore on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 his 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 not tamper with evidence or witness either during investigation or trial;



(c) the petitioners shall report before the respondent police daily at 10.00 a.m. until further orders;

(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/-

15/02/2022

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 SPECIAL JUDGE FOR
POCSO ACT, CUDDALORE.

2 THE INSPECTOR OF POLICE,
REDDICHAVADI POLICE STATION,
CUDDALORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. K.RAVEENDRAN Advocate on payment of necessary charges SR.NO.2390

CRL OP.3668/2022

Date :15/02/2022

RW 22/02/2022