



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Eighteenth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.3364 of 2022

1 RAMASAMY

[PETITIONER / ACCUSED]

2 SELVI

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
JEYAMKONDAN,
ARIYALUR DISTRICT.
CRIME NO.4/2022

For Petitioner : M/S T.MURUGANANTHAM Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (Crl. Side)
(DATED 18.02.2022)

: M/S.LEONARD ARUL JOSEPH SELVAM,
Govt. Advocate (Crl. Side)
(DATED 24.03.2022)

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 (*) **Under Section 376(3), 376(2)(n), 109 IPC and Section 5(1),5(j)(ii) and Section 6,17 POCSO Act 2012 and Section 9,10 of Prevention of Child Marriage Act, 2006** in Crime No.4 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the Accused-1 is the son of the 1st petitioner and the Victim girl is the daughter of the 2nd petitioner. During the relevant point of time, the victim girl and the 1st accused fell in love with other and eloped from their village and



afterwards, they got married. When at the time, victim girl was pregnant, she was admitted in the hospital wherein, the Doctors after determining the age of the Victim girl, referred the matter to the Childline Welfare Office. 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 would further submit that they are ready to abide any condition as imposed by this Court. Accordingly, he pleads for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police raised objection stating that investigation is pending.

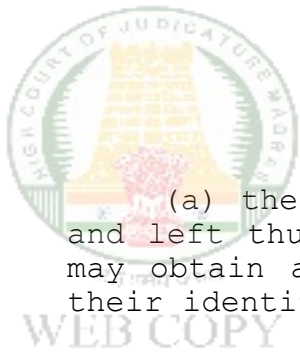
5. The submissions made by the learned Counsel appearing on either sides are considered and the copy of the FIR and the statement recorded Under Section 164(5) Cr.P.C from the Victim Girl also placed for verification.

6.Here it is a case that during the relevant point of time, the victim girl and the first accused were fell in love and eloped from their village. Afterwards, they got married against the wishes of their parents. When at the time, the Victim girl was pregnant, she was admitted in the hospital wherein, the Doctors after determining the age of the victim girl, referred the matter to the Child line Welfare and as a result of which, the present case has been registered.

7. The entire averments narrated in the 164 statement and in the FIR did not disclose the fact that the first accused in this case committed a rape. Furthermore, the marriage solemnized between the Victim girl and the first accused in this case is on their own volition and not upon the consent given by their parents.

8. 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.

9.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 Judicial Magistrate, No.1, Jeyamkondan 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. for a period of fifteen (15) days and thereafter as and when required for interrogation;

(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/-

18/02/2022

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.

[*]Amended as per order of this court dated 24.03.2022 made in Cr1.MP.NO.3649/2022 in Cr1.O.P.No.3364/2022

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, JAYAMKONDAM, ARIYALUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
JEYAMKONDAN, ARIYALUR DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

+1 CC to M/S T.MURUGANANTHAM Advocate on payment of necessary
charges SR.NO. 4494

CRL OP.3364/2022

Date :18/02/2022

RW 24/02/2022

RW 28/03/2022