



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.11169 of 2022

POOVARASAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
HARUR,
DHARMAPURI DISTRICT
(CRIME NO.06/2022)

[RESPONDENT]

For Petitioner : M/S C.VASUDEVAN Advocate

For Respondent : MR. S.UDAYAKUMAR, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest for the alleged offences under sections 363, 366 and 506(i) of IPC and 9, 10 of Prohibition of Child Marriage Act, 2006 and Sec.5(1) r/w 6(1) of POCSO Act in Crime No.06 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioner kidnapped the defacto complainant who was 16 years at that time and forcibly married her and now she is having four years old girl child and later he did not allow the defacto complainant to go to her father's house. Thereafter with the help of Panchayat the defacto complainant went to her father's house. Hence, the petitioner threatened the defacto complainant and her family with dire consequences.



3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that with the consent of defacto complainant's family only the petitioner married the defacto complainant. In otherwise, he is not having any intention to commit the offence as alleged by the prosecution. Accordingly, he pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police vehemently opposed for granting anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, custodial interrogation of the petitioner is not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

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 days from the date of receipt of a copy of this order, before the Learned Fast Track Mahila Court, Dharmapuri on condition that the petitioner 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 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 not tamper with evidence or witness either during investigation or trial;

(c) the petitioner shall report before the respondent as and when required for interrogation;

(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 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.

WEB COPY

-sd/-

12/05/2022

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 FAST TRACK MAHILA COURT,
DHARMAPURI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
HARUR, DHARMAPURI DISTRICT.

CC to M/S C.VASUDEVAN Advocate on payment of necessary charges

CRL OP.11169/2022

Date :12/05/2022

RW 17/05/2022