



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11298 of 2022

1 S.RAMACHANDRAN [PETITIONERS / ACCUSED]
2 BHUVANESHWARI @ VIJAYALAKSHMI

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
MATHIKONPALAYAM POLICE STATION,
DHARMAPURI DISTRICT.
CR.NO. 86 OF 2022.

For Petitioner : M/S. G.PUGAZHENTHI Advocate

For Respondent : MR.A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Section 366 of I.P.C and Section 5(I) r/w 6 of Protection of Children from Sexual Offences Act and Section 9 and 10 of Prohibition of Child Marriage Act, 2006 in Crime No.86 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the first accused fell in love with the victim, who is a minor girl studying 12th standard, aged about 17 years. Due to their love affair, they eloped on 31.03.2022. Thereafter, on the complaint lodged by the parents of the victim girl, an FIR has been registered in Crime No.86 of 2022 for the offences under Section 366 of I.P.C and Section 5(1) r/w 6 of Protection of Children from Sexual Offences Act and Section 9 and 10 of Prohibition of Child Marriage Act, 2006, in which the petitioners have arrayed as A2 and A3. Even according to the case of the prosecution, the first petitioner is the brother- in-law of A1 and second petitioner is the wife of the first petitioner herein who helped the first accused and arranged for accommodation. That apart, on perusal of statement recorded under Section 164 Cr.P.C revealed that the victim girl fell in love with A1 and eloped to Salem. Thereafter, the First accused was arrested and remanded into judicial custody. As far as the petitioners are concerned, except making arrangements for their accommodation, they have nothing to do with the alleged occurrence.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and without knowing that the victim girl is a minor, they arranged for marriage and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners made arrangements for marriage of the victim girl and A1. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case, 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 in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Mahalir Fast Track Court, Dharmapuri, on condition that each of the petitioners 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the First petitioner alone shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation and the second petitioner shall report before the respondent police as and when required for 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 petitioner in accordance with law as if the conditions have 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]



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
18/05/2022

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 MAHALIR FAST TRACK COURT,
DHARMAPURI.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MATHIKONPALAYAM POLICE STATION,
DHARMAPURI DISTRICT.

+1 CC to M/S. G.PUGAZHENTHI Advocate on payment of necessary charges SR.7152

CRL OP.11298/2022

Date :18/05/2022

SRG 20/05/2022