



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Seventh day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14771 of 2022

1 RAJA
2 RAMASAMY

[PETITIONERS / ACCUSED]

Vs

STATE BY
THE INSPECTOR OF POLICE,
HOGENAKKAL POLICE STATION,
DHARMAPURI DISTRICT.
CRIME NO.09/2022.

[RESPONDENT]

For Petitioner : M/S. M.JAYACHANDRAN 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 Sections 5(1)(j) (ii) r/w 6(1), 16, 17 of POCSO Act 2012 and Sections 9, 10 Prohibition of Child Marriage Act 2006 in Crime No. 09 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the *de-facto* complainant lodged a complaint stating that, in the year 2019, when she was studying 8th standard, her uncle one Selva/A1 proposed to love her. Then, both had fallen in love. Knowing this, the parents of the *de-facto* complainant advised her to drop the love affair with A1. In the circumstances, in the year 2020, the parents of the *de-facto* complainant and her maternal uncle/petitioners herein arranged the child marriage of the *de-facto* complainant with another maternal uncle one Krishna/A2. After marriage, A2 had physical relationship with the *de-facto* complainant. As the *de-facto* complainant did not want to live with A2, she returned back to her parent's house. At that time,



A1 promised to marry the *de-facto* complainant and had physical relationship with her. Due to that, she got pregnant and while she was four months pregnant, on 21.01.2022, the Child Welfare Officer advised her to give a complaint to the respondent police. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. On perusal of the statement recorded under Section 164 Cr.P.C. it reveals that the victim girl aged about 15 years got married with one Krishna. Thereafter she got separated and she is living with her parents. While being so, she fell in love with one Selva, who is her cousin brother and also got pregnant. The said person was arrested and remanded to judicial custody. So far as these petitioners are concerned, they are the relatives of other accused and they have nothing to do with the case as alleged by the prosecution.

5. Considering the facts 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 Fast Track Mahila Court, Dharmapuri, on condition that each of the petitioners shall execute a separate 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 petitioners shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter 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 petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

27/06/2022

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,
HOGENAKKAL POLICE STATION,
DHARMAPURI DISTRICT.

+1 CC to M/S. M.JAYACHANDRAN Advocate on payment of necessary
charges SR.NO.10131

CRL OP.14771/2022

Date :27/06/2022

TA-29/06/2022