



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.26059 of 2021

Suriya

... Petitioner

Versus

State by
The Inspector of Police,
W14 All Women Police Station,
Thiruvottur, Chennai District.
(Crime No.5 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No.5 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.P.Meenakshi Sundharam

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 5(1) r/w 6 of POCSO Act 2012 and 9 of Prohibition of Child Marriage Act 2006 in Crime No.5 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and victim girl aged about 17 years are lovers for the past two years. The petitioner married the victim girl on 22.04.2021. She gave birth a male child on 19.08.2021. Both are living as husband and wife happily but the respondent police registered the case based on the birth of child. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner and the victim got married without the knowledge of the parents, their parents also now consulted, investigation almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, even the mother of the victim girl also accepted these facts, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned District Mahila Judge (Fast Track Court) at Thiruvallur, on condition that the petitioner 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 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 petitioner shall report before the respondent police on every Wednesday at 10.30 a.m., until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(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 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
04/01/2022

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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 DISTRICT MAHILA JUDGE
(FAST TRACK COURT),
THIRUVALLUR.

2 THE INSPECTOR OF POLICE,
W14, ALL WOMEN POLICE STATION,
TIRUVOTTUR,
CHENNAI DISTRICT.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S. S.P.MEENAKSHI SUNDHARAM Advocate on payment of
necessary charges SR.NO.79

CRL OP.26059/2021

Date :04/01/2022

INBA-07/01/2022