

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.11027 of 2021

1. Chinnaraji, S/o.Sappani
2. Chinnaponnu, W/o.Chinnaraji
both residing at D.No.303, Ambedkar Nagar,
Pachai Village and Post, Chengam Taluk,
Tiruvannamali District. ... Petitioners

Vs.

State Represented by
The Inspector of Police,
All Women Police Station,
Chengam, Thiruvannamalai District.
Cr.No.01 of 2021. ... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioners on bail in the event of their arrest in
Crime No.01 of 2021 on the file of the respondent police.

For Petitioners : Mr.B.Jawahar

For Respondent : Mr.L.Baskaran
Government Advocate
(Crl. side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 376 (2) (n), 506(i) IPC read with Section 5(1) and 6 of POCSO Act, in Crime No.01 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the son of the petitioners loved each other and he had sexual affairs with the defacto complainant by assuring that he will marry her. Subsequently, he refused to marry the defacto complainant. But the petitioners have not taken any steps for the marriage. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are the parents of A1 and the petitioners are ranked as A2 and A3. Now the petitioner/A1 is in judicial custody. The petitioners have not committed any offence as alleged by the prosecution and the defacto

complainant has lodged a false complaint against them. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) would submit that the defacto complainant and the son of the petitioners loved each other and he had sexual affairs with the defacto complainant by assuring that he will marry her. The petitioners opposed for the marriage of the defacto complainant with their son. He would further submit that even as per the 164 Cr.P.C. statement recorded from the victim girl, the investigation is almost completed.

5. Taking into consideration the submissions made by the counsel and the facts of the case, this Court is inclined to grant anticipatory bail to the petitioners.

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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of four weeks from the date of normal functioning of the Court below, (i.e.,)

before the learned Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai, on condition that the each of the petitioners shall execute a own 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, as and when required for interrogation.

[c] The petitioners shall not leave India without the previous permission of the Court.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioners shall not abscond either during investigation or trial.

[f] 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 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]**.

[g] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

06.07.2021

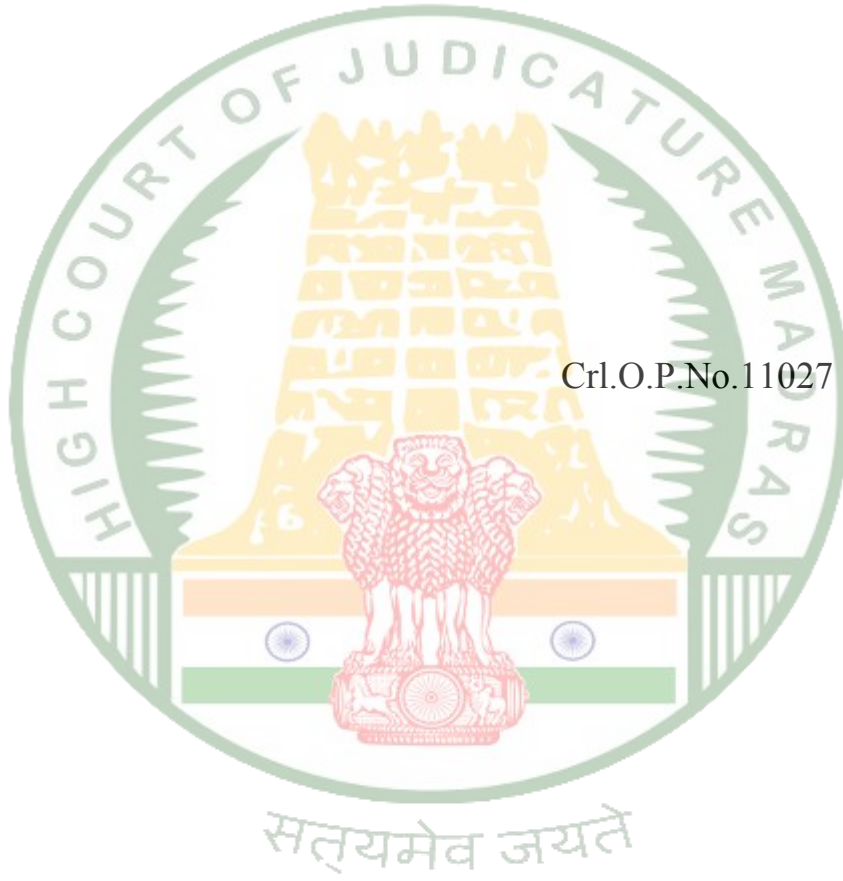
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To

1. The Special Court for Exclusive Trial of Cases under POCSO Act, Tiruvannamalai.
2. The Inspector of Police,
All Women Police Station,
Chengam, Thiruvannamalai District.
3. The Public Prosecutor,
Madras High Court,
Chennai.

T.V.THAMILSELVI, J.

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