



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14576 of 2021

1 SHANMUGAM	[PETITIONERS / ACCUSED]
2 VEERAMMAL @ VEERAMMA	
3 KOLANJI	
4 SHALINI @ SHAKILU	
5 ANJALAI	
6 NISHA	
7 ISHWARYA	

Vs

THE STATE REP.BY	[RESPONDENT]
THE INSPECTOR OF POLICE,	
ALL WOMEN POLICE STATION,	
VIRUDHACHALAM,	
CUDDALORE DISTRICT.	
CRIME NO.13 OF 2021.	

For Petitioners : M/S.S.N.ARUNKUMAR Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest for the alleged offence under Section 5(1) r/w 6 of POCSO Act, 2012 and 294(b), 355 & 506(i) of IPC in Cr.No.13 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that accused/A-1 was in love with the defacto complainant's daughter and had physical contact with the victim girl. Thereafter, when defacto complainant questioned the petitioners, who were the family members of A-1, they abused and threatened the defacto complainant. Hence, the defacto complainant made a complainant against the petitioners.



3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submits that the defacto complainant's daughter and A-1 were lovers and the petitioners, who were the family members of A-1, ready to undertake marriage between A-1 and the victim girl. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that the petitioners filed an affidavit that they were ready to undertake the marriage of A-1 with the victim girl. He further submits that the Statement of the victim U/s. 164(5) Cr.P.C has also been recorded. However, he opposed to grant anticipatory bail to the petitioners.

5. This Court perused the Statement of the victim recorded U/s. 164(5) Cr.P.C, which reveals no pointed allegation against the petitioners and reveals that the victim was in love with A-1 and further also took into consideration the undertaking affidavit filed by the petitioners that they are ready to undertake the marriage between A-1 and the victim girl, and therefore, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

(a) Accordingly, petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court for Exclusive Trial of Cases under POCSO Act, Cuddalore, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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:

(b) the petitioners 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;

(c) the petitioners/A-2 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 petitioners/A-3, A-4, A-5, A-6, A-7 and A-8 shall report before the respondent police as and when required for interrogation;

(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 anticipatory 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;

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

-sd/-
08/09/2021

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 SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
CUDDALORE.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDHACHALAM, CUDDALORE DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.N.ARUNKUMAR Advocate on payment of necessary
charges SR.NO.9782

CRL OP.14576/2021

Date :08/09/2021

JPA 28/09/2021