



IN THE HIGH COURT OF JUDICATURE AT MADRAS  
( Criminal Jurisdiction )

Thursday, the Twenty Sixth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15298 of 2021

1 JAMBULINGAM  
2 KASAPPAYEE

[ PETITIONERS / ACCUSED ]

Vs

THE STATE REP BY  
THE INSPECTOR OF POLICE,  
MANDARAKUPPAM POLICE STATION,  
CUDDALORE DISTRICT  
CRIME NO.290/2021

[ RESPONDENT ]

For Petitioner : M/S.T.GNANA BANU Advocate

For Respondent : M/S. C.E.PRATAP, 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 at the hands of the respondent police for the alleged offences under Sections 294(b), 506(i) of IPC r/w Sec.11(1) and 12 of POCSO Act in Crime No.290 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the victim girl and petitioners' son were in love with each other and thereafter, their love was broken. Subsequently, the de-facto complainant had decided to perform the marriage of his daughter with another person and the same was objected by the petitioners' son and created unnecessary scene in front of the de-facto complainant's house while the marriage arrangement was made. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that the 1st accused was granted bail by the Special Court on 02.08.2021 in Crl.M.P No.994 of 2021. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) submitted that the statement under Section 164 Cr.P.C has been recorded from the victim girl in which she has not stated any serious allegation against the petitioners. Hence, the learned Government Advocate has no serious objection to grant anticipatory bail to the petitioners.

5. This Court perused the 164 Cr.P.C statement recorded from the victim girl and there is no serious allegation made against the petitioners.

6. Considering the facts and circumstances of the case and also taking note of the fact there is no serious allegation made against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7. 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 of receipt of a copy of this order, before the Special Court under POCSO Act, Cuddalore, on condition that 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 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 Court concerned 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 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 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]; and;



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

WEB COPY

-sd/-

26/08/2021

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 UNDER POCSO ACT,  
CUDDALORE.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
MANDARAKUPPAM POLICE STATION,  
CUDDALORE DISTRICT.

+1 CC to M/S.T.GNANA BANU Advocate on payment of necessary charges  
SR.No.9150

CRL OP.15298/2021

Date :26/08/2021

RW 02/09/2021