



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16128 of 2021

1 THIRUNAVUKARASU [PETITIONERS / ACCUSED]
2 THIRUGNANASAMBANDHAM
3 KALAIYARASI
4 MUTHARASAN
5 THENNARASU

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDHACHALAM,
CUDDALORE DISTRICT.
(CRIME NO.17 OF 2021)

For Petitioner : M/S. R.VEERAMANI 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 punishable under Sections 294(b), 313, 506(i) of IPC r/w Section 5(I) & POCSO Act, 2012, in Crime No.17 of 2021, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution is that A1 had love affair with the victim girl and had sexual relationship and thereby promised to marry. Thereafter the issue was raised in between the two families. However, the family members agreed to perform betrothal. Thereafter A1 refused to marry the victim girl. Hence the complaint.

3. The learned counsel appearing for the petitioners on instructions submits that the petitioner did not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that A1 and the family members are ready to perform marriage with the victim girl as per the engagement performed by the petitioners and the defacto complainant family.



4. The learned Government Advocate submitted that the petitioners A1 had love affair with the victim girl and had sexual relationship. Thereafter the issue was raised in between the two families. However, the family members agreed to perform betrothal. Thereafter A1 refused to marry the victim girl. Hence he opposed for grant of anticipatory bail to the petitioners.

5. This court perused the 164 statement. On perusal of 164 statement reveals the petitioner A1 had love affair with the victim girl and had sexual relationship. However the petitioner filed affidavit stating that they are ready to perform the marriage.

6. In view of the affidavit filed by the petitioners, I am inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the *Special Court(POCSO Act Cases), 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:

(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 daily at 10.30 a.m for a period of two 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 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.

-sd/-

14/09/2021

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 (POCSO ACT CASES),
CUDDALORE.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. R.VEERAMANI Advocate on payment of necessary
charges SR.NO.9986

CRL OP.16128/2021

Date :14/09/2021

CSK 30/09/2021