

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2021

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.19278 of 2020

1. M.Muthukumar
2. S.Sathish @ Sathishkumar ... Petitioners

Vs.

State by
Inspector of Police,
All Women Police Station,
Panruti Police Station,
Cuddalore District.
Crime No. 710 of 2020 ... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of arrest in Crime No.710 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Pugalenth

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Section 174 Cr.P.C @ 306 IPC r/w 5(j)(ii) and 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.710 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The petitioners are A3 and A4. The allegation is that the victim girl, aged about 17 years, had love affair with A1 and both of them were determined to get married. Since the parents of both the victim girl and A1 objected their marriage, both of them consumed poison, in which, the girl died. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case since they happen to be close relatives of the first accused. He would submit that the first accused was arrested and released on bail. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that petitioners are close relatives of A1. He would submit that as the parents of both the victim girl and A1 opposed their marriage, they consumed poison, in which, the first accused survived and the girl died. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels and the fact that the petitioners are only close relative of the first accused, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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 Principal District and Sessions Court (Special Court: POCSO Cases), 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, 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:

[b] 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.

[c] the petitioners 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
08/02/2021

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 PRINCIPAL DISTRICT AND SESSIONS JUDGE
(SPECIAL COURT POCSO CASES),
CUDDALORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PANRUTI POLICE STATION,
CUDDALORE DISTRICT.

CC to M/S.P.PUGALENTHI Advocate on payment of necessary charges

CRL OP.19278/2020

Date :08/02/2021

MK:22/02/2021

WEB COPY