



3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. He further submits that the victim girl on her own volition went along with the accused/A-1 however, the parents and grand mother of the accused/A-1 refused to perform marriage between A-1 and the victim girl and on instructions, he further submits that the petitioners, without prejudice to their rights, are ready to abide any condition imposed by this Honourable court. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submitted that accused/A-1 forcibly took the victim girl to perform marriage and the petitioners herein are the family members of A-1. The statement of the victim girl has been recorded under Section 164 Cr.P.C. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.A perusal of the statement of the victim under Section 164 Cr.P.C reveals that the petitioners are only family members of A-1 and there is no serious allegation made against the petitioners. In such circumstances this Court is inclined to grant anticipatory bail to the petitioner 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 learned Special Court for Exclusive Trial of Cases under POCSO Act, Chengalpattu, on condition that the petitioners shall execute 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:

(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 is directed to report before the respondent police daily at 10.30 a.m. until further orders;

(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]; and;

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

-sd/-
28/10/2021

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 UNDEER POCSO ACT,
CHENGALPATTU.

2 THE INSPECTOR OF POLICE,
MADURANTHAKAM POLICE STATION,
CHENGALPATTU DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.DINESH KUMAR Advocate on payment of necessary
charges SR.NO.12117

CRL OP.19013/2021

Date :28/10/2021

JPA 12/11/2021