



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Ninth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20189 of 2021

ANBAZHAGAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPATHUR
(CRIME NO.05/2021)

[RESPONDENT]

For Petitioner : M/S T.SHANMUGAM Advocate

For Respondent : M/S.S.SUGENDRAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences U/S 294(b), 506(1) IPC and U/S 6 of the PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT 2012, in Crime No.05 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the father of the A1. It is alleged that A1 had love affair with the victim girl and also had involved in physical intimacy with the victim girl. Thereafter, the victim girl eloped with the petitioner's son to Sulagiri, Chhinna Thiruppathi Temple. Thereafter, victim girl's mother make a call to the victim girl and thereafter the victim girl returned home. Further the petitioner's son refused to marry the victim girl based on the objections made by the petitioner and the other family members. Hence, the complaint.



3.The learned counsel appearing for the petitioner submits that the petitioner did not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case He further submits that the petitioner is the retired Accounts Office and he is ready to perform the marriage in between Al and the victim girl to the fact and he filed an affidavit stating that he is ready to marry the victim girl when she attains majority.

4.The learned Government Advocate (Crl.Side) submits that earlier this court dismissed the anticipatory bail petition in Crl.O.P.No.15701 of 2021 dated 01.09.2021. However, he opposed for grant of anticipatory bail to the petitioner.

5. In view of the change of circumstances and the undertaken affidavit filed by the petitioner's son that both family is ready to perform the marriage, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is 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 Judicial Magistrate No.I, Thirupathur on condition that the petitioner shall execute a 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 petitioner 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 petitioner shall appear 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

09/11/2021

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 JUDICIAL MAGISTRATE,
NO.I, THIRUPATHUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUPATHUR

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S T.SHANMUGAM Advocate on payment of necessary charges

CRL OP.20189/2021

Date :09/11/2021

RW 18/11/2021