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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.19870 of 2021

1.A.Selvakumar
2.T.Poovarasan

... Petitioners

Versus

State Rep by
The Station House Officer,
All Women Police Station,
Jayankondam,
Ariyalur District.
(Crime No.30 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners/Accused are on bail in the event of their arrest in connection with the Crime No.30 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.K.Gandhi Kumar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehends arrest for the alleged offence under Sections 11(v) r/w 12 of POCSO Act 2012 and 506(ii), 366(A) r/w 511 of IPC, in Crime No.30 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant gave a complaint before the respondent police and stating that "She is residing in Elayur Village, Andimadam Taluk, Ariyalur District and her husband working as a driver and she is having 3 children. Near by her house one Chithra is residing there and her brother (A1) often came to her house and two months before one Dinesh who is belongs to the same village, her daughter and A1 loved each other. When the defacto



complainant after knowing this, she asked the same to her daughter. The said Chithra threatened that they will upload the photos, Chithra and A1 threatened her defacto complainant daughter through phone i.e., If she is not accepted for marriage, they will finish her siblings and parents". Hence the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent raised strong objection and investigation is still pending. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the fact, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are 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 learned Fast Track Mahila Court, Ariyalur, on condition that the petitioners 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 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 appear 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.

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19/11/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE FAST TRACK MAHILA COURT
ARIYALUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION,
JAYANKONDAM,
ARIYALUR DISTRICT

+1 CC to M/S. K.GANDHI KUMAR Advocate on payment of necessary charges SR.No.13065

CRL OP.19870/2021

Date :19/11/2021

APN 23/11/2021