



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fifteenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.20736 of 2021

1 PHILIP THANGARAJ
2 MARIYA

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
CHENGALPET TALUK POLICE STATION,
CHENGALPET DISTRICT
CRIME NO.667/2021

[RESPONDENT]

For Petitioner : M/S.M.JAIKUMAR Advocate

For Respondent : MR.N.S.SUGANTHAN, Counsel for Government Advocate,
(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest for the alleged offence under Sections 11(4), 12 of POCSO Act and 506(i) of IPC in Cr.No.667 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners' son tortured the victim girl by posting her picture in whatsapp and taunted in the name of love. Thereby, the defacto complainant lodged a complaint against the petitioners and their son.

3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the petitioners are only the parents of A1 and there was no allegation made against the petitioners. Hence, he prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl. side) submits that A-1 taunted the victim in the name of love over mobile phone for 6 months and also posted picture in whatsapp and tortured the victim girl. He further submits that the statement of the victim girl has also been recorded under Section 164 Cr.P.C. and the investigation is almost completed. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Considering the nature of the case and that the investigation is almost completed, this Court inclined to grant anticipatory bail to the petitioners.

6. 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 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 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 anticipatory 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/-

15/11/2021

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 SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
CHENGALPATTU.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CHENGALPET TALUK POLICE STATION,
CHENGALPET DISTRICT.

+1 CC to M/S.M.JAIKUMAR Advocate on payment of necessary charges
SR.NO.12779

CRL OP.20736/2021

Date :15/11/2021

RW 19/11/2021