



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.23275 of 2021

1. Swaminathan
2. Manjula

.. Petitioners

Vs.

State Represented by
The Inspector of Police,
Thiruvannamalai Police Station,
Thiruvannamalai District.
Crime No.216 of 2021

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioners on bail in the event of their arrest in Crime No.216 of 2021 on the file of the respondent.

For Petitioners: Mr.S.Suresh

For Respondent : Mr.A.Gokula Krishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 363, 366, 372(2) of IPC, r/w Section 5(1), 6 of Protection of Children from Sexual Offences Act in Crime No.216 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that initially, the case was registered under girl missing and later the respondent police came to know that the son of the petitioners eloped with the defacto complainant's daughter/ minor victim girl and had sexual intercourse with her. It is further alleged that the petitioners provided accommodation to them. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioners's son and the victim girl/defacto complainant's daughter are lovers and they developed their love through Facebook and the same was came to know that the parents of the minor victim girl warned her, but on the fear over the marriage with other person,



the victim girl on her own volition eloped with the petitioners' son and had sexual relationship with her consent and now the victim girl was secured by the respondent police. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor on instructions submits that the investigation was almost completed. He further submits that the main accused was already arrested and remanded to judicial custody and the statement of the victim girl under Section 164 of Cr.P.C was recorded.

5. A perusal of 164 Statement of the victim girl reveals that the victim girl on her own volition went along with the petitioners's son and had sexual relationship with her consent. Considering the age of the minor victim girl, the petitioners refused to accept their love.

6. Considering the submissions made by both counsel and the investigation was almost completed and also considering the fact that the victim girl on her own volition eloped with the petitioners's son and there was no serious allegations levelled against the petitioners and their son was arrested and remanded to judicial custody, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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, Tiruvannamalai on condition that the petitioners shall execute separate bonds 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 1st petitioner shall report before the respondent police on every Sunday at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation and the second petitioner shall report 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 has been imposed and the petitioners are 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.

-sd/-

10/12/2021

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,
TIRUVANNAMALAI

2 THE INSPECTOR OF POLICE,
THIRUVANNAMALAI TOWN POLICE STATION,
THIRUVANNAMALAI DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.23275/2021

Date :10/12/2021

RVR 21/12/2021