



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.24355 of 2021

1 S.Kaliyamoorthi
2 Anjalam

...Petitioners

Versus

State Represented by
Inspector of Police,
Avinankudi Police Station
Cuddalore District.
Crime No.59/2021

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event on their arrest by the respondent police in Crime No.59 of 2021 on the file of the respondent police.

For Petitioners : Mr.J.Pradeep

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

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 366(A), 344 of IPC r/w Section 5(1), 6 of POCSO and Section 9 & 10 of Child Marriage Act 2006, in Crime No.59 of 2021., on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had conducted the marriage to their son with the daughter of the defacto complainant. Further, the daughter of the defacto complainant had love affair with a boy namely Rajasekar before her marriage but the parents of the girl had not accepted the love because both are belonging to different caste. Thereafter, the defacto complainant approached the petitioners by suppressing the love and age of the girl, asked to get with marriage with the petitioners son. Without knowing the real facts, the petitioners also accepted the proposal and conducted marriage to their son. After the marriage the girl eloped with her paramour. After the elopement of the daughter of the defacto complainant with her ex-lover, the defacto complainant lodged a complaint before the respondent police.



3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the statement under Section 164 Cr.P.C., has also been recorded from the victim girl and there is no specific overt act has been attributed against the petitioners. He further submitted that the investigation is almost completed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that there is no serious allegations made against the petitioners and the investigation is almost completed, 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 their appearance, within a period of fifteen days from the date of receipt of copy of this order, before the learned Judicial Magistrate, Tittagudi, Cuddalore District, on condition that the petitioners shall execute a 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, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners are directed to 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 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-

15/12/2021

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 JUDICIAL MAGISTRATE,
TITTAGUDI, CUDDALORE DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 INSPECTOR OF POLICE,
AVINANKUDI POLICE STATION,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.J.PRADEEP Advocate on payment of necessary charges
Sr.14965

CRL OP.24355/2021

Date :15/12/2021

RVR 22/12/2021