



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24653 of 2021

1.Periyasamy @ Kutti
2.Punithavalli

... Petitioners

Versus

State represented by
The Inspector of Police,
Kothagiri Police Station,
Nilgiris District.
(Crime No.40 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of arrest connection with the Crime No.40 of 2021 pending on the file of respondent police.

For Petitioners: Mr.R.Nalliyappan

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 366 of IPC, 9 and 10 of Prohibition of Child Marriage Act, 2006, 5(1) r/w 6, 16, 17 of POCSO Act in Crime No.40 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's daughter alleged to have missing from 30.01.2021, hence he made a complaint before the respondent police and the same was registered as Girl Missing complaint. Later, on the investigation it was found the 1st accused in the above case alleged to have kidnapped and married the daughter of the defacto complainant with the help of this petitioners. Hence, the complaint.



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

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the 164 statement recorded and investigation almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, 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 before the learned Judicial Magistrate Court, Kothagiri, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) 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 1st petitioner shall report before the respondent police daily at 10.30 a.m. until further orders and the 1st petitioner shall not have any communication with the victim girl and the 2nd petitioner shall report before the respondent police as and when requires 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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16/12/2021

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 JUDICIAL MAGISTRATE,
KOTHAGIRI, THE NILGIRIS DISTRICT.

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

3 THE INSPECTOR OF POLICE,
KOTHAGIRI POLICE STATION,
NILGIRIS DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.NALLIYAPPAN Advocate on payment of necessary charges SR.NO.15041

CRL OP.24653/2021

Date :16/12/2021

RW 22/12/2021