



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24713 of 2021

1. Sathish ... Petitioners
2. Sankar

Versus

State Rep by ... Respondent
The Inspector of Police
All Women Police Station,
Bargur,
Krishnagiri District.
(Crime No.04 of 2021)

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.04 of 2021 pending investigation on the file of the respondent police.

For Petitioners : M/S.R.Thiyagu

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

Order

The petitioners, who apprehends arrest for the alleged offences under Section 366(A) of IPC, 5(1) r/w 6 of POCSO Act 2012 and Sections 9 of Prohibition of Child Marriage Act and 506(i) of IPC in Cr.No.04 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that accused/A1 has forcibly took the victim girl and married her. Thereafter, induced the victim girl to have sexual relationship. The petitioners herein are the brother and father of A1. The 1st petitioner has misbehaved with the victim girl and the brother of A1 was supposed to sleep in the victim girl's room without any dress. Hence, the complaint.



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 accused/A1 has already been released on bail. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submits that the Statement of 164 Cr.P.C. has also been recorded by the victim girl in which she has also made allegations against the petitioners herein. He further submits that the investigation is almost completed. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. On perusal of the Statement of 164 Cr.P.C reveal that the there are no serious allegations made against the petitioners and considering that accused/A1 has already been released on bail and that 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 a copy of this order, before the learned **Sessions Judge, Fast Track Mahila Court, Krishnagiri** 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 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;

(c)the petitioners should not have any contact with the victim girl;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;



(f) 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

17/12/2021

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 SESSIONS JUDGE
FAST TRACK MAHILA COURT, KRISHNAGIRI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
BARGUR, KRISHNAGIRI DISTRICT.

+1 CC to M/S R.THİYAGU Advocate on payment of necessary charges
SR.NO.15166

CRL OP.24713/2021

Date :17/12/2021

TA-29/12/2021