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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24710 of 2021

Amuldhass

... Petitioner

Versus

State Rep by
The Inspector of Police
Veppur Police Station,
Cuddalore District.
(Crime No.155 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on anticipatory bail in the event of their arrest in Crime No.155 of 2021 pending investigation on the file of the respondent police.

For Petitioner : M/s.R.K.Gandhi

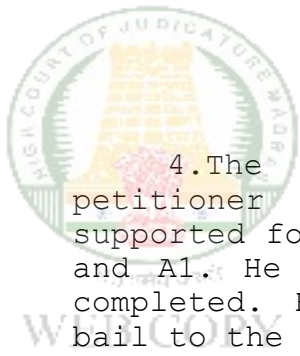
For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest for the alleged offences under section 5(1) r/w 6 of POCSO Act in Crime No.155 of 2021 on the file of the respondent police seeks anticipatory bail.

2.The case of the prosecution is that the accused/A1 eloped with the victim girl and both got married and A1 is alleged to have induced the victim to have sexual relationship. The petitioner herein is the father of accused/A1. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner is no way connected with the occurrence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the sole accused has been arrested and released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor submits the petitioner is the father of accused/A1 and alleged that he has supported for the marriage that was performed between the victim girl and A1. He further submits that the investigation has been almost completed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and considering that the sole accused has been released on bail and that the investigation has been completed, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Viruthachalam, Cuddalore** on condition that the petitioner 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 and on further condition that:

(a) the petitioner 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 is directed to appear 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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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-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 JUDICIAL MAGISTRATE,
VIRUTHACHALAM, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEPPUR POLICE STATION,
CUDDALORE DISTRICT.

+1 CC to M/S R K.GANDHI Advocate on payment of necessary charges SR.NO.15154

CRL OP.24710/2021

Date :17/12/2021

TA-29/12/2021