



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25487 of 2021

1.Bhuvaneshwari
2.Saravanan
3.Thangarasu
4.Lakshmi

...Petitioners

Versus

State Rep by
The Inspector of Police,
All Women Police Station,
Paramathi Velur,
Namakkal District.
(Crime No.5 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.5 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.B.Gopalakrishnan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under section 449, 506(i) & 6 r/w 5(1) POCSO Act 2012, in Crime No.5 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the main accused namely Duraisamy forcibly committed sexual assault to the defacto complainant's daughter and threatened her not to disclose the incident to others. Thereafter it is alleged that on 28.11.2021, the accused and the petitioners threatened her with dire consequences. Hence, the defacto complainant lodged a complaint against the petitioners.

3.The learned Counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they are the relatives of the main accused and



further the main accused already arrested. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor submits that investigation completed and 164 statements also recorded. He further submits that already this Court dismissed the petitioners anticipatory bail application in CrI.O.P.No.24552 of 2021 and further the main accused had already been arrested. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, the petitioners are relatives of the main accused and there is no specific overt act against the petitioners, this Court inclined to grant anticipatory bail to the petitioners with the following conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance before the Special Court for Especially Trial For POCSO Act Cases, Namakkal on condition that the petitioners shall execute a bond for 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner/A5 shall report before the respondent police on every Wednesday and Saturday at 10.30.a.m., until further orders.

(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.

WEB COPY

-sd/-

23/12/2021

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
ESPECIALLY TRIAL FOR POCSO ACT CASES,
NAMAKKAL

2 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PARAMATHI VELLOE, NAMAKKAL DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. B.GOPALAKRISHNAN Advocate on payment of necessary
charges Sr.15600

CRL OP.25487/2021

Date :23/12/2021

RVR 03/01/2022