



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.975 of 2022

WEB COPY

1. Veerapandian
2. Kala

...Petitioners

Vs.

The Sate Rep. By
The Inspector of Police,
Solatharam Police Station
Cuddalore District.

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners in the above Crl.O.P's on bail pending investigation in the case in Crime No.503 of 2021 on the file of the respondent police.

For Petitioners: Mr. D. Arun

For Respondent : Mr.N.S. Suganathan
(Govt. Advocate (Crl. Side))

ORDER

The petitioners were arrested and remanded to judicial custody on 27.12.2021 for the offences under Sections 366, 344 of IPC, 5(1), 6 of POCSO Act and Sections 9, 10, and 11 of Prohibition of Child Marriage Act, 2006 in Crime No.406 of 2021 on the file of the respondent police seeks bail.

2. The case of the prosecution is that the son of the petitioners who is arrayed as A1, has developed acquaintance with the victim girl and as if he would get marry her and has often spoken to her through mobile phone. Under such pretext, the petitioner has taken the victim girl to his house, married her and committed sexual assault of penetration in the victim girl. Therefore, the defacto-complainant who is the mother of the victim girl, lodged the complaint against the petitioners to the respondent police.

3. The learned Counsel for the petitioners would submit that the victim girl has fallen in love for the past one and half years with the Accused No.1 who is the son of the petitioners. While the A1 and the alleged victim girl have concretely decided to marry each other



after attaining the age of majority, the mother of the victim girl, has lodged a false complaint against the petitioners in a hasty manner suspecting the petitioners who are harassing her daughter. Since the A1 and the victim girl are different caste, the victim girl was threatened not to love the A1. Despite the petitioners are not involved in any such occurrence, the respondent police arrested the petitioners after a lapse of one year of registration of FIR. He further submits that the petitioners are no way connected with the said offences which was mentioned in the FIR, the rival group has planned to tarnish the image and reputation of the petitioners in the society. Hence, he seeks for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor submits that the daughter of the defacto complainant was assaulted and demanded dowry by the petitioners. The investigation is almost completed. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Considering the facts and circumstances of the case, the petitioners are directed to file affidavits in Tamil each before the POCSO, Court and Jailer, Cuddalore stating that they would not harass the victim girl demanding dowry or Jewels.

6. On filing of such affidavits, the petitioners are ordered to be released on bail on his executing 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 Pocso Court, Cuddalore and on further conditions that:

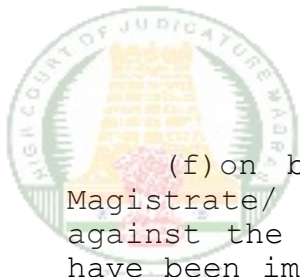
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners are directed to stay at Cuddalore District and to sign before the Solatharam Police Station, Cuddalore on every Wednesday and Sunday at 10.30 a.m until further orders;

(c) the petitioners should not have any contact with the defacto complainant's family.

(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 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/-

12/01/2022

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 POCSO COURT,
CUDDALORE

2 THE INSPECTOR OF POLICE,
SOLATHARAM POLICE STATION,
CUDDALORE DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

5 THE SUPERINTENDENT,
WOMEN CENTRAL PRISON,
CUDDALORE

CC to D.ARUN Advocate on payment of necessary charges Sr.781

CRL OP.975/2022

Date :12/01/2022

RVR 19/01/2022