



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7247 of 2022

1 SATHISHKUMAR
2 VENKATESAN
3 ELAIYAKANNI

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
VEPPUR POLICE STATION,
CUDDALORE DISTRICT.
CRIME NO.447 OF 2021.

[RESPONDENT]

For Petitioners : M/S.D.ARUL Advocate

For Respondent : MR.S.UDAYA KUMAR, Govt. Advocate (Crl. Side)

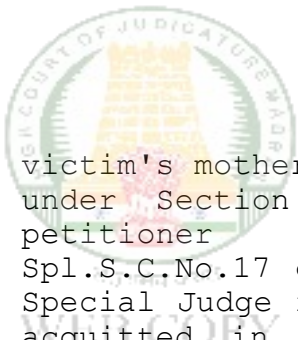
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b), 324, 354(D) of Indian Penal Code r/w 12 of Protection Of Child from Sexual Offences Act in Cr.No.447 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner who is the son of petitioners 2 and 3 is alleged to have threatened the defacto complainant's grand daughter that he will marry her. When the same was questioned by her father and paternal uncle, the petitioners along with the other accused are alleged to have attacked the paternal uncle due to which, he sustained grievous injuries.

3.The learned counsel appearing for the petitioners would submit that it is purely family dispute inbetween the petitioner family and defacto complainant's family. He further submitted that earlier the



victim's mother lodged a complaint in Cr.No.5 of 2020 for the offence under Section 11(1) r/w.12 of POCSO Act as against the first petitioner and after investigation the case was assigned Spl.S.C.No.17 of 2020 and the same was taken on file by the learned Special Judge for POCSO Cases, Cuddalore and the first petitioner was acquitted in the said case on 12.05.2021 and in order to wreck vengeance, the present complaint came to be lodged. The learned counsel further submitted that the petitioners have gone to other State to eke their livelihood and due to the pendency of the criminal case, they are not able to continue their work.

4. Heard the submissions made by the learned Government Advocate.

5. This Court perused the statement of the victim girl recorded under Section 164 of Cr.P.C. There is no sexual allegation made against the petitioners. It is only alleged that A1 has written the name of the victim as tattoo. Further, for the very same allegation, the victim's mother had lodged complaint as against the first petitioner and the same ended in acquittal of the first petitioner. There is no allegation made as against petitioners 2 and 3. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

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 Judicial Magistrate No.1, Virudhachalam, 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 petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required 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.

-sd/-
30/03/2022

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 JUDICIAL MAGISTRATE,
NO.I, VIRUDHACHALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.D.ARUL Advocate on payment of necessary charges
SR.NO.4862

CRL OP.7247/2022

Date :30/03/2022

JPA 01/04/2022