



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL ORIGINAL PETITION No.11060 of 2022

1 M.SANTHI

[PETITIONERS / ACCUSED]

2 P.MUTHUSWAMY @ MUTHU

3 K.MURUGAN

4 M.JAYAKUMARI

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TIRUVANNAMALAI.
CRIME NO.16/2022.

[RESPONDENT]

For Petitioner : M/S.V.RAMANAREDDY Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest for the alleged offences under sections 376(3), 376(2) (n) and 506(1) of IPC and Sections 5 (1), 6 and 21 (1) of the Protection of Child from Sexual Offences Act, 2012 in Crime No.16 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners are the parents and relatives of the A1. There was a love affair between the A1 and the defacto complainant who is aged 15 years. When the parents and relatives came to know the fact opposed the same and they decided to leave the defacto complainant in her father's house. But the parents of the defacto complainant did not accept stating that they have spoiled their daughter's life and leaving her. Thereafter, A1 took the defacto complainant to his maternal uncle's house and started torturing her.



3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offences as alleged by the prosecution. He further submitted that he has been falsely implicated in this case. Hence, he pleads for anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent police vehemently opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, custodial interrogation of the petitioners are not necessary. Hence, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioners are 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 Learned Special Court under the POCSO Act, Tiruvannamalai on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 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 not tamper with evidence or witness either during investigation or trial;

(c) the petitioners shall report before the respondent as and when required for interrogation;

(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 has 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.

WEB COPY

-sd/-
12/05/2022

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 SPECIAL COURT UNDER THE
POCSO ACT, TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TIRUVANNAMALAI.

+1 CC to M/S.V.RAMANAREDDY Advocate on payment of necessary charges SR.NO. 7016

CRL OP.11060/2022

Date :12/05/2022

RW 16/05/2022