



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12256 of 2022

1 NAGAMANI [PETITIONERS/ ACCUSED]
2 KARUNAKARAN
3 ANNALAKSHIMI

Vs

THE STATE THROUGH [RESPONDENT]
THE INSPECTOR OF POLICE,
CUDDALORE PORT POLICE STATION,
CUDDALORE.
(CRIME NO.104/2022)

For Petitioner : M/S.B.M.SANTHARAM Advocate

For Respondent : MR.R.KISHORE 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 offences punishable under Sections 366(A), 506(i) of IPC r/w. Section 9 and 10 of Child Marriage Act in Crime No.104 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused kidnapped the minor victim girl and aided A1 to marry the minor victim girl . Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. He would further submit that A1 and A2 in this case were arrested and released on bail. Therefore, he prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.side) would submit that the petitioners herein, who are the relatives of A1, helped A1 to marry the minor victim girl. He would further submit that A1 and A2 in this case were arrested and released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case and also considering the fact that co-accused in this case were released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 on which the order copy made ready, before the learned Sessions Judge, Special Court (POCSO Act Cases), Cuddalore. 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, 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 Magistrate 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 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-

19/05/2022

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 SESSIONS JUDGE,
SPECIAL COURT (POCSO ACT CASES), CUDDALORE.

2 THE INSPECTOR OF POLICE,
CUDDALORE PORT POLICE STATION,
CUDDALORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.B.M.SANTHARAM Advocate on payment of necessary charges SR.No.7630

CRL OP.12256/2022

Date :19/05/2022

CSK 25/05/2022