



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRIMINAL ORIGINAL PETITION Nos.12960 & 12961 of 2022

R.KANNADASAN

[PETITIONER / ACCUSED
IN CRL.OP.NO.12960/2022]

1.S.AJAY

[PETITIONERS/ ACCUSED
IN CRL.OP.NO.12961/2022]

2.E.PRAKASH

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANCHIPURAM.
(CRIME NO.6/2022)

[RESPONDENT/COMPLAINANT
IN BOTH PETITIONS]

For Petitioner : M/S. P.DINESH KUMAR Advocate
[IN BOTH PETITIONS]

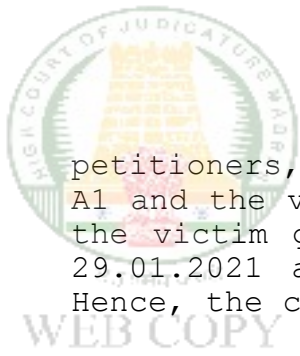
For Respondent : MR.N.MUTHUVEL, Govt. Advocate (Crl. Side)
[IN BOTH PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 354 (D), 366, 376 (3), 341, 506(ii) of IPC read with Section 4 and Section 12 of the Protection of Children from sexual Offences (POCSO) Act, 2012, in Crime No.6 of 2022, and they have filed these petition seeking for anticipatory bail.

2. The case of the prosecution is that on 10.05.2022, when the defacto complainant along with his minor daughter aged about 15 years was travelling in a motorcycle, they were intercepted by the petitioners and Al forced the victim girl to declare to her father that she will marry him. When the defacto complainant resisted the



petitioners, A2 and A3 who are the supporters for the love affair of A1 and the victim girl, attacked the defacto complainant. On enquiry, the victim girl revealed that A1 had sexual intercourse with her on 29.01.2021 and threatened her not to disclose the same to anyone. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the defacto complainant objected the love affair of A1 and therefore, the occurrence took place. Now on the advise of the parents of the petitioners, the petitioners have realized their mistakes and the petitioners undertake that they will not disturb the defacto complainant and the victim girl at any point of time and that they have also filed memo to that effect. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner in CrI.O.P.No.12960 of 2020 is arrayed as A1 and the petitioners in CrI.O.P.No.12961 of 2022 are arrayed as A2 and A3. A1 had love affair with the daughter of the defacto complainant and he also had physical relationship with her for which, A2 and A3 who are the friends of A1 facilitated him. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the above facts and circumstances of the case and the affair between the parties and Memo filed on behalf of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions.

6. Accordingly, this Criminal Original Petition is allowed. 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-I, Kanchipuram, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties for a like sum to the satisfaction of the learned Magistrate concerned 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before respondent police daily at 10.30 a.m. until further orders. The respondent police shall proceed with the investigation and file the final report as early as possible.

[c]the petitioners shall not tamper with the 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 are 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

01/06/2022

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-I,
KANCHIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+4CC to M/S. P.DINESH KUMAR Advocate on payment of necessary charges SR.NOs.8380+8381

CRL.OP.NOs.12960&12961/2022

Date :01/06/2022

CSK 03/06/2022