



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.14101 of 2022

G.MUNUSAMY

[PETITIONER / ACCUSED]

Vs

INSPECTOR OF POLICE
M-6, MANALI POLICE STATION,
CHENNAI 600 068.
CRIME NO.1251 OF 2021.

[RESPONDENT]

For Petitioner : M/S.R.PRABHAVATHY Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 9 and 10 of the Prohibition of Child Marriage Act and Section 51 r/w 6 of POCSO Act, in Crime No.1251 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that son of the petitioner one Sivakumar had love affair with the victim girl and eloped with her. Hence, the defacto complainant, who is the father of the victim girl lodged a complaint.

3. The learned counsel for the petitioner would submit that already the petitioner was granted anticipatory bail by this Court on 21.12.2021. However, the petitioner was unable to execute the sureties within the time stipulated by this Court. Therefore, the petitioner has again filed the present petition seeking for anticipatory bail.



4. The learned Additional Public Prosecutor admitted that the petitioner was earlier granted anticipatory bail by this Court. However, the petitioner has not executed the sureties as directed by Court.

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5. Considering the above fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thiruvottriyur, on condition that the petitioner shall execute 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 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 petitioner 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 petitioner is directed to appear before the respondent Police on every Sunday at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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-sd/-

20/06/2022

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,
THIRUVOTTRIYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 INSPECTOR OF POLICE
M-6, MANALI POLICE STATION,
CHENNAI 600 068.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.PRABHAVATHY Advocate on payment of necessary chargesSR 9530

CRL OP.14101/2022

Date :20/06/2022

RW-24/06/2022