



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Sixteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K.ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13794 of 2022

1 G.SUBRAMANI  
2 S.ANJALAI

[ PETITIONERS/ACCUSED ]

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE  
W-15, ALL WOMEN POLICE STATION,  
ROYAPURAM,  
WASHERMENPET DISTRICT.  
CRIME NO.1 OF 2022.

[ RESPONDENT ]

For Petitioner : M/S.J.RAJMOHAN, Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Section 366 IPC r/w 6, 5(1) & 21(1) of POCSO Act, 2012 in Crime No.1 of 2022 on the file of the respondent police, seek anticipatory bail.

2. There are totally four accused in this case, in which the petitioners are arrayed as A3 and A4, who are uncle and aunt of accused/A1. The case of the prosecution is that accused/A1 felt in love with the victim girl, who aged about 17 years and thereafter they got married. While staying together in A1's house, he had sexually assaulted the victim girl. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that now the victim has attained majority and that accused/A1 and A2 were already arrested and released on bail. Hence, he prays to grant anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor appearing for the respondent submitted that accused/A1 had stayed in the petitioner's house and sexually assaulted the victim girl, who aged about 17 years. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, the custodial interrogation of the petitioners do not require in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioners subject to the following 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 Special Court (POCSO Cases), Chennai 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 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]**.



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

-sd/-

16/06/2022

WEB COPY

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  
(POCSO CASES) CHENNAI-104.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE  
W-15, ALL WOMEN POLICE STATION,  
ROYAPURAM,  
WASHERMENPET DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.J.RAJMOHAN, Advocate on payment of necessary charges SR.NO.9315

CRL OP.13794/2022

Date :16/06/2022

TA-21/06/2022