



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of June Two Thousand Twenty Two

PRESENT

The Hon'ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13763 of 2022

1 PAZHANISAMY @ PALANISAMY
2 SIVABACKIYAM

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
VIRUDHACHALAM ALL WOMEN POLICE STATION,
CUDDALORE DISTRICT
(CRIME NO.14/2021)

[RESPONDENT]

For Petitioner : M/S.R.L.DHILIPAN PANDIAN 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 petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 3, 4(2) and 17 of POCSO Act, 2012 and Sections 9 and 10 of Child Marriage Act, 2006, in Crime No.14 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant who is a Child Welfare Officer lodged a complaint to the respondent Police alleging that on the pretext of marriage, the first accused had a physical relationship with the victim.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the parents arranged marriage between A1 and the victim. The petitioners are the parents of A1. A1, A3 and A4 were arrested and subsequently released on bail. Only on the complaint lodged by the Child Welfare Officer, the present case has been registered. However, he vehemently opposed to grant anticipatory bail to the petitioners.



5. Considering the above fact and circumstances of the case and there is no specific allegations as against these petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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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 POCSO Special Court, Cuddalore District, on condition that each of the petitioners 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 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 first petitioner 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. The second petitioner 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

15/06/2022

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 POCSO SPECIAL COURT,
CUDDALORE DISTRICT.

2 INSPECTOR OF POLICE,
VIRUDHACHALAM ALL WOMEN POLICE STATION,
CUDDALORE DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.L.DHILIPAN PANDIAN Advocate on payment of necessary
charges

CRL OP.13763/2022

Date :15/06/2022

RVR 21/06/2022