



WEB COPY



Crl.O.P.No.12288 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.05.2024

CORAM

THE HON'BLE MR. JUSTICE C.SARAVANAN

Crl.O.P.No.12288 of 2024

1. Dhanalakshmi
2. Parthiban

... Petitioners

Vs.

The State Rep. by
the Inspector of Police,
AWPS Kancheepuram
Crime No.09 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioners on bail in Crime No.09 of 2024 on the file of
the Respondent Police.

For Petitioners : Mr.D.Padmanabhan

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl. Side)

ORDER

The petitioners were arrested and remanded to judicial custody on
26.04.2024 for the offences under Sections 354 D, 506(ii) 147, 148, 149,
294(b), 323 of I.P.C., and Section 9 (1) r/w. 10, 11 (1), 11(4), 11(5) r/w. 12,



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17 of POCSO Act, 2012 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.09 of 2024 on the file of the respondent Police, seek bail.

2. The 1st petitioner is the sister of A1 viz., Akash who is said to have committed the offence under POCSO Act. The 2nd petitioner is the husband of the 1st petitioner. Today this Court has given interim protection to A1 considering his physical condition and his parents have also been granted Anticipatory bail.

3. In the circumstance, the learned counsel for the petitioners prayed for granting bail to the petitioners.

4. Considering the fact that the parents of A1 have been granted Anticipatory bail, this Court is inclined to grant bail to the petitioners subject to certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail on condition they execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of



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the Special court for Exclusive trial of cases under POCSO Act at Chengapattu District and on further conditions that:-

[a] 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, everyday at 10.30 a.m., until further orders.

[c] the petitioners shall not disturb the victim girl and her family members;

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] 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].

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

22.05.2024

vum

C.SARAVANAN, J.



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vum

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To

- 1.The Special court for Exclusive trail
of cases under POCSO Act,
Chengapattu District
- 2.The Inspector of Police,
AWPS, Kancheepuram.
- 3.The Puzhal Prison-II, Chennai.
- 4.The Public Prosecutor, High Court of Madras.

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