

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.A.No.578 of 2018

Anbarasan @ Anbu ... Appellant/Petitioner/Accused(A2)

... Vs ...

The Inspector of Police,
Kanchi Taluk Police Station,
Kanchipuram District
(Crime No.617 of 2018) ... Respondent/Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 374 of Cr.P.C and 14 A Provision of SC/ST Act., to set aside the order in Crl.M.P.No.1693 of 2018 dated 04.09.2018 and enlarge the appellant on bail in Crime No.617 of 2018.

For Appellant : Mr.D.Balaji
For Respondent : Mrs.V.Sarathadevi
Govt.Advocate (Crl.side)

JUDGMENT

This appeal is preferred by A2 whose bail application filed under Section 439 Cr.P.C., in respect of the offences under Sections 8 and 12 of the POCSO Act and Sections 294(b), 341, 509, 506(i) IPC and Section 3(1) 6 (w) of the SC and ST Act, was dismissed by the impugned order dated 04.09.2018 in Crl.M.P.No.1693 of 2018.

2. The learned counsel for the appellant/petitioner has submitted that the above petitioner is arrested and remanded to judicial custody on 18.08.2018 for the above said offences and A3 who is having similar overt act has been enlarged on bail in Crl.A.No.548 of 2018, dated 19.09.2018.

3. The learned counsel for the appellant/petitioner has submitted that the prime accused A1 is still absconding and Police has not taken any steps to secure him and there is no specific overt-act as against this petitioner/A2 in respect of the alleged offence under Section 7 of the POCSO Act and the same does not arise in respect of this appellant/petitioner/A2 and he seeks bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that the victim girl is now studying 10th standard and she has received unsigned anonymous letters describing her body and also making defamatory sentences therein, which are said to have been handed over by A1 and A3 and in the complaint, she has also given allegations against A2 and A3 with regard to the utterance of the caste word against her and also submitted that as against the petitioner-A2, he has dropped letters in the school bag of the victim girl and abused in filthy languages.

5. After hearing both the parties and also perusing the C.D file produced before this Court through the Government Advocate, it is seen that the case is under investigation and so far only two witnesses were examined and after going through the contents of the F.I.R and also certain documents collected by the Investigation Officer as a part of the investigation and also taking note of the over-tact alleged against this petitioner and taking into consideration the period of custody and also taking note of the fact that co-accused-A3 with similar overt act, has already been enlarged on bail, I am inclined to grant bail.

6. Accordingly, this Criminal Appeal Petition is allowed. The impugned order passed by the Court below is set aside, with the following directions:

(i) The appellant/petitioner/A2 shall be released on bail on his executing 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 Mahila Court, Chengulpattu.

(ii) The appellant/petitioner/A2 shall appear before the respondent police daily at 10.30 a.m. and 5.00 p.m. for a period of six weeks and thereafter, as and when required for interrogation.

(iii) The appellant/petitioner/A2 shall not tamper with evidence or witness during trial.

(iv) The appellant/petitioner/A2 shall not abscond during trial.

(v) On breach of any of the aforesaid conditions, the learned Trial Judge is entitled to take appropriate action against the petitioner in accordance with law, as if the conditions have been imposed and the appellant/petitioner/A2 released on bail by the learned Trial Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs.State of Kerala [(2005) AIR SCW 5560].

(vi) If the appellant/petitioner/A2 thereafter absconds, a fresh FIR can be registered under Section 229-A I.P.C.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

nvi

To

1. The Sessions Judge,
Mahila Court, Chengalpattu
 2. The Inspector of Police,
Kanchi Taluk Police Station,
Kanchipuram District
 3. The Superintendent
Sub Jail
Kancheepuram.
 4. The Public Prosecutor
High Court, Madras 104.
- +1 CC to Mr.D. Balaji, Advocate sr 66453.

Crl.A.No.578 of 2018

SP (27/09/2018)

सत्यमेव जयते

WEB COPY