

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Thirtieth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N.SATHISH KUMAR
CRIMINAL ORIGINAL PETITION No.13279 of 2018

ELUMALAI [PETITIONER / ACCUSED]

Vs

STATE BY [RESPONDENT]
THE INSPECTOR OF POLICE,
KADALADI POLICE STATION,
THIRUVANNAMALAI DISTRICT.
CR.NO.217 OF 2017

For Petitioner : M/S.S.SILAMBU SELVAN Advocate

For Respondent : MR. M.PRABHAVATHI ADDL.PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner/A2 who apprehends arrest at the hands of the respondent police for the alleged offence punishable u/s.366A IPC @ 376 IPC read with sections 4 and 8 of POCSO Act 2012, in Crime No.217/2017 seek anticipatory bail.

2. The case of the prosecution is that A-1 namely Saravanan had love affair with the daughter of the defacto complainant and that he eloped with her with the aid and assistance of the petitioner herein and thereafter had sexual relationship with her, who is a relative as well as the friend of A1.

3.The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and he is nothing to do with the alleged offence. It is further submitted that the name of the petitioner is not found in FIR.

4.Heard the learned Additional Public Prosecutor who would submit that the victim girl already secured and that the investigation is completed and an absconding charge sheet is filed against the petitioner herein.

5.It is not in dispute that A1 had love affair with the minor girl and that the petitioner is only a friend and relative of A1 and therefore, they have been charge sheeted. It is also not in dispute that investigation is already over and charge sheet is filed. Hence,

custodial interrogation of the petitioner is not necessary. Therefore, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner are ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.1, Tiruvannamalai, on condition that the petitioner 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 and on further condition that:

[a] the petitioner shall report before respondent police daily at 6.30 p.m for a period of two weeks and thereafter, as and when required for interrogation.

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

[c] the petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**.

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

-sd/-

30/05/2018

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,
NO.I, TIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KADALADI POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S.S.SILAMBU SELVAN Advocate on payment of necessary
charges SR.NO. 9644

CRL OP.13279/2018

Date :30/05/2018

RD 31/05/2018