

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Nineteenth day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.26604 of 2018

B.RANGASAMY,

[PETITIONER / ACCUSED]

Vs

STATE BY,

[RESPONDENT]

INSPECTOR OF POLICE,
MOHANUR POLICE STATION,
NAMAKKAL DIST.
CR.NO.420 OF 2018.

For Petitioner : M/S.GOPINATHAN T. Advocate

For Respondent : MRS.PRABHAVATHI, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police, for the offences punishable under Sections 366, 506 (ii) of IPC and Sections 3 and 4 of the POCSO Act in Crime No.420 of 2018, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the first accused had love affairs with the de-facto complainant, by name, Swetha and they have eloped to marry. Thereafter, on coming to know that the first accused, on false promise, had sexual intercourse with the de-facto complainant, who is a minor girl, the complaint has been filed.

4. The learned counsel for the petitioner would submit that the petitioner is the father of A-1 and he has nothing to do with the occurrence, as alleged by the prosecution. Now, A1 was arrested and remanded to Judicial Custody and the girl was also rescued. Therefore, he prays for grant of anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor would submit that the first accused had love affairs with the de-facto complainant, by name, Swetha and they have eloped to marry. Thereafter, on coming to know that the first accused, on false promise, had sexual intercourse with the de-facto complainant, who is a minor girl.

6. It is seen that in so far as the petitioner is concerned, the petitioner is only father of the first accused as alleged by the prosecution. Further, it is also seen that the statement recorded under Section 164 Cr.P.C., that the de-facto complainant was taken by the first accused and had sexual intercourse with her. Thereafter, the petitioner threatened the father of the de-facto complainant.

7. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of two weeks from the date on which the order copy made ready, before learned Judge of the Mahila Court, Namakkal District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of this Court concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the 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.

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

[d] the petitioner 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 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]**.

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

-sd/-
19/12/2018

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 JUDGE OF THE MAHILA COURT,
NAMAKKAL DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MOHANUR POLICE STATION,
NAMAKKAL DIST.

+1 CC to M/S.GOPINATHAN T. Advocate on payment of necessary
charges-Sr.24429

CRL OP.26604/2018

Date :19/12/2018

ths : 26.12.2018

सत्यमेव जयते

WEB COPY