

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION Nos.4686 and 4693 of 2019

A.CHINNA PONNU

[PETITIONER / ACCUSED

IN CRL.OP.NO.4686 OF 2019]

1 VENKATESH KUMAR

[PETITIONER / ACCUSED

2 R.SELVAPANDIYAN

IN CRL.OP.NO.4693 OF 2019]

Vs

STATE REP BY

[RESPONDENT

INSPECTOR OF POLICE,

IN BOTH THE PETITIONS]

THIRUVANNAMALAI TOWN POLICE STATION,

THIRUVANNAMALAI DISTRICT.

CR.NO.499 OF 2018.

For Petitioner : M/S.K.MANIKANDAN Advocate

[IN BOTH THE PETITIONS]

For Respondent : M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

[IN BOTH THE PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 366 (A) @ 366A, 376 of IPC, Section 4 of the POCSO Act @ 147, 363, 366, 376 r/w 109 of IPC & Sections 4 and 6 r/w 7 of the POCSO Act, 9 & 10 of the Prohibition of Child Marriage Act in Crime No.499 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 had love affair with the victim girl aged about 17 years. All the accused persons aided A1 in kidnapping the victim girl and sending the victim girl along with A1. The petitioners herein are A3, A4 and A7.

3.The learned Counsel for the petitioners submitted that this petitioners have been made as accused only on the ground that they helped A1 to go along with the victim girl.

4.The learned Additional Public Prosecutor submitted that even in the 164 statement given by the victim girl, she has specifically stated that she had love affair with A1 for more than three years and

since there was a proposal to get her married to someone else, she voluntarily came out of the house and thereafter, she left with A1 with the help of other accused persons. She has also stated that she had physical intercourse with A1.

5. In view of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 Mahila Court, Thiruvannamalai on condition that the petitioners shall execute a bond for a sum of Rs.5,000/- (Rupees five 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 petitioners shall report before the respondent Police as and when required for investigation.

[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/-

27/02/2019

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 MAHILA COURT,
THIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

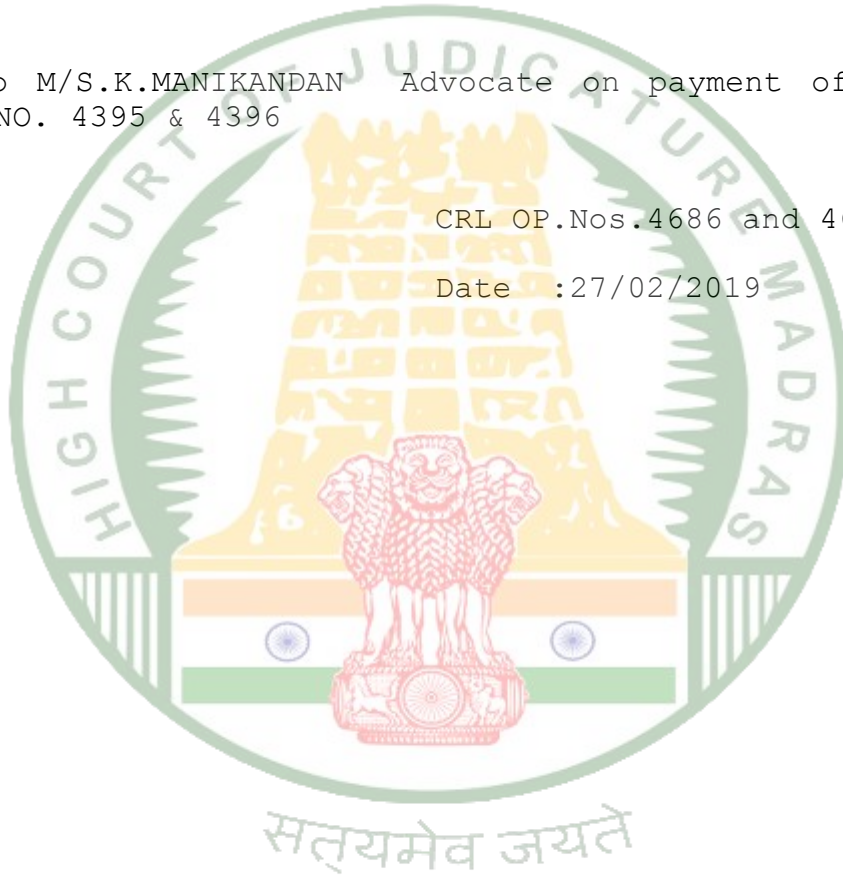
3 THE INSPECTOR OF POLICE,
THIRUVANNAMALAI TOWN POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+2CC to M/S.K.MANIKANDAN Advocate on payment of necessary
charges in SR.NO. 4395 & 4396

CRL OP.Nos.4686 and 4693 of 2019

Date :27/02/2019

MLT-04/03/2019



WEB COPY