



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Fifth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.9165 of 2019

K.GANESAN

... PETITIONER /SOLE ACCUSED NO.4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
(IN CRIME NO.54/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.B.MAGESH KANNAN Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

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

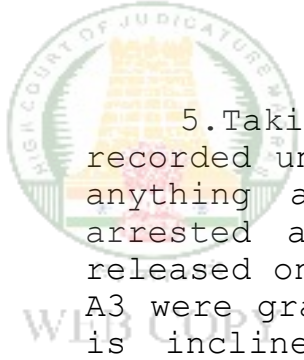
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 361, 363 r/w Section 5(m) and 6 of the POCSO Act, 2012, in Crime No.54 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is arrayed as A4. He further submitted that the petitioner is an innocent person and he has been falsely implicated in the above case. He further submitted that already A1 was arrested and remanded to judicial custody and subsequently he was released on bail by the Sessions Court. He further submitted that A2 and A3 got anticipatory bail from the Sessions Court and hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor has submitted that as per the F.I.R, the petitioner along with A1 kidnapped the victim girl in a car and hence, he strongly opposed this petition. However, he fairly conceded that A1 was arrested and remanded to judicial custody and subsequently he was released on bail by the Sessions Court. He further submitted that A2 and A3 were granted anticipatory bail by the Sessions Court. He further submitted that in the statement recorded under Section 164 Cr.P.C., the victim girl has not stated anything about the petitioner herein.



5. Taking into consideration the fact that the statement recorded under Section 164 Cr.P.C., the victim girl has not stated anything about this petitioner and also the fact that A1 was arrested and remanded to judicial custody subsequently he was released on bail by the Sessions Court and also the fact that A2 and A3 were granted anticipatory bail by the Sessions Court, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Mahila Court, Ramanathapuram, Ramanathapuram District, on condition that the petitioner shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/07/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDGE,
MAHILA COURT,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.

2 THE INSPECTOR OF POLICE,
THONDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.MAGESH KANNAN Advocate SR.No. 11235

ORDER

IN

CRL OP(MD) No.9165 of 2019

Date :05/07/2019

JM/VR/SAR 4/12.07.2019/3P/5C