

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

Friday, the Twenty First day of February Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE
CRIMINAL ORIGINAL PETITION No.3528 of 2020

SARAVANAN

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY ITS [RESPONDENT]
INSPECTOR OF POLICE,
(*)ALL WOMEN POLICE STATION,
THIRUVANNAMALAI
CRIME NO.33 OF 2018

For Petitioner : M/S. T.SHANMUGAM Advocate

For Respondent : M/S.S.THANKIRA, Govt. Advocate (Crl. Side)
(DATED 21/02/2020)

MR. C.RAGHAVAN, Govt. Advocate (Crl. Side)
(DATED 20/03/2020)

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

ORDER : The Court Made the following order :-

The petitioner herein is arrayed as A2 in Crime No.33/2018, and he apprehends arrest at the hands of the respondent police for the offence punishable under Sections 366 IPC and Section 8 of Protection of Child from Sexual Offences Act, 2012, seeks anticipatory bail.

2. The case of the prosecution is that A1 had love affair with the victim girl, who was minor aged about 17 years. On 03.10.2018, A1 had married the victim girl. Thereafter, they have absconded. Hence, the complaint was registered.

3. The learned counsel for the petitioner submitted that the overt act attributed to the petitioner is not vastly different from the one attributed to A4 to A6, who had already obtained anticipatory bail before this Court in Crl.OP.No.3730/2020. The only allegation is that A1 was alleged to have abducted the minor girl in a car, and that A2 was along with him. He added that even going by the prosecution allegation, only A1 has misbehaved with the girl. He added that to the extent his client understands, the girl here is little over 17 years, and was in love with A1. He added that A1 is the prime accused, who along with A3 have been granted bail by the

Fast Track Mahila Court, Tiruvannamalai in Cr.M.P.No.685 of 2018, on 12.11.2018. Hence, he prays this Court to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) supported the case of the prosecution and concurred with the statement made by the learned counsel for the petitioner as regards the alleged overt-act attributed against the petitioner. However, she opposed this Court granting anticipatory bail to the petitioner.

5. After weighing the rival submissions, and given the alleged role played by the petitioner (A2), who is the friend of A1, this court deems it appropriate to grant anticipatory bail to the petitioner with 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 on which the order copy made ready, before the learned Special Judge, POCSO Court, Thiruvannamalai, 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 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 conditions that:

[a] the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one week 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/-

21/02/2020

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.

**(*) CORRECTED ORDER ISSUED AS PER ORDER
OF THIS COURT DATED 20/03/2020**

TO

1 THE SPECIAL JUDGE,
POSCO COURT, THIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
(*) ALL WOMEN POLICE STATION,
THIRUVANNAMALAI

4 THE INSPECTOR OF POLICE,
KALAMBAR POLICE STATION,
THIRUVANNMALAI.

CC to M/S. T.SHANMUGAM Advocate on payment of necessary charges
Sr.5551

सत्यमेव जयते

CRL OP.3528/2020

Date :21/02/2020

WEB COPY

MK:06/03/2020

RVR 20/05/2020