

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2020

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10121 of 2020

Senthil

... Petitioner/A4

Vs.

State Rep. by

The Inspector of Police,
All Women Police Station,
Villupuram,
Villupuram District.
Crime No.9 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.9 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.N.Arunkumar

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 313 and 506 (i) of IPC read with Section 5(1) and 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.9 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the 1st accused fell in love with the victim girl aged about 17 years and on the false promise made by the 1st accused to the victim girl to marry her, he had made physical relationship with the victim girl and that she got pregnant. Therefore, the petitioner along with 3 others have taken the victim girl to the hospital to abort her pregnancy. Hence, the complaint.

3. The learned counsel for the petitioner would submit that there are totally 7 accused in this case and the petitioner is arrayed as A4. As far as the petitioner is concerned, he is the driver of the car in which, the victim had been taken to the hospital along with the accused persons and that he has nothing to do with the other accused persons. He

would further submitted that co-accused in this case viz., A1 to A3 were arrested and subsequently released on bail. The petitioner is an innocent person and he is no way connected in this case and that he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that there are totally 7 accused in this case in which, the petitioner is arrayed as A4. Further he would submit that the petitioner is the driver of the car in which the accused persons had taken the victim girl to the hospital. Hence he opposed to grant anticipatory bail to the petitioner.

5. It is seen that the petitioner is a driver by profession and that he is no way connected with the other accused persons. Considering the above facts and circumstances of the case and the fact that co-accused have been granted bail, this Court is inclined 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 Sessions Judge, Special court for Exclusive Trial of Cases under POSCO Act, Villupuram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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 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 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/-
03/07/2020

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.

TO

1 THE SESSIONS JUDGE,
THE SPECIAL COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER POSCO ACT,VILLUPURAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,VILLUPURAM,
VILLUPURAM DISTRICT.

CC to M/S. S.N.ARUNKUMAR Advocate on payment of necessary charges

CRL OP.10121/2020

Date :03/07/2020

GKS (RD) :07/08/2020

WEB COPY