

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10877 of 2020

Vinothini

... Petitioner/Accused
(Ranking not known)

Vs.

The State represented by,
The Inspector of Police,
Vishnukanchi Police Station,
Kancheepuram District.
(Crme No. 95 of 2019)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of her arrest in connection with Crime No. 95 of 2019, on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 363, 366, 376(2)(4) & 506(ii) of IPC and Section 3, 4, 5(L) of POCSO Act, in Crime No. 95 of 2019, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution is that the main Accused A1, who is a close relative of the defacto complainant had love affair with the defacto complainant's minor daughter and had kidnapped her and committed penetrative sexual assault on her. The allegation against the petitioner is that she permitted the main accused and the victim girl to stay in her house.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case since she happens to be the sister of the main accused. He would submit that there was a love affair between the victim girl and the brother of the petitioner other than

that she does not know about the occurrence. He would submit that the victim has been secured and the occurrence is of the year 2019. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the sister of the main accused and he would submit that there was love affair between the main accused and the minor daughter of the defacto complainant. The main accused eloped with the victim girl and the petitioner has permitted them to stay in her house. Hence, he oppose to grant anticipatory bail to the petitioner.

5 Taking into consideration the facts and submissions of the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6 Accordingly, the petitioner is directed to be released on bail in the event of her arrest or on her appearance, within a period of fifteen days from lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.I, Kancheepuram, on condition that the petitioner shall execute a separate 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 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 every day at 10.30 a.m., for a period of one week and there after 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 abscond, a fresh FIR can be registered under Section 229A IPC.

8 With the above directions, this Criminal Original Petition is ordered.

-sd/-
22/07/2020

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 JUDICIAL MAGISTRATE,
NO.I, KANCHEEPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VISHNUKANCHI POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges

CRL OP.10877/2020

Date :22/07/2020

cs 18/08/2020

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