

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.11426 of 2020

Babu
S/o.Kanchan

... Petitioner

Vs.

State Rep. By its
The Inspector of Police,
Thiruthani Police Station,
Thiruvallur District.
(Crime No.1077 of 2018)

... 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.1077 of 2018 on the file of the Inspector of Police,
Thiruthani Police Station, Thiruvallur District.

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 offences punishable under Sections 363 of
IPC, r/w Section 6 of protection of children sexual offences Act
2012, in Crime No.1077 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had
kidnapped the victim girl, who is aged about 16 years and had married
her and also committed the offence under the POCSO Act by having
physical relationship with the victim girl. Hence, the complaint.

3. The learned counsel for the petitioner would submit that
the petitioner and the victim were loved each other, due to love
affair the victim eloped with the petitioner and got married. At the
time of marriage, the age of the victim is 16 years, at present the
victim has attained majority and living happily with the petitioner
and they have also registered their marriage. Therefore, he prays to
grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that
the victim has attained majority and the statement has also been
recorded from the victim.

5. Considering the above fact and circumstances of the case, 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 Judicial Magistrate, Thiruthani 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 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 one week and thereafter, every Monday at 10.30 a.m., until further orders.

[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/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-

03/08/2020

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,
THIRUTHANI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THIRUTHANI POLICE STATION,
THIRUVALLUR DISTRICT.

+1 CC to M/S. R.SASIKUMAR Advocate on payment of necessary
charges sr.no.5835

RD 07/08/2020



CRL OP.11426/2020

Date :03/08/2020

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