

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.11560 of 2020

Kalamani
C/o.Rajendran,
No.6/450, Ellakadu,
Sullur,
Unjapalayam,
Somanur,
Coimbatore-641 668.

... Petitioner

The State Represented by :-
Inspector of Police,
Cheyur Police Station,
Tiruppur.

... 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.31 of 2020, pending investigation on the file of the Respondent police.

For Petitioner : M/s.J.Franklin

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

ORDER

(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 363 IPC @ 7 r/w 8, 16 and 17 of POCSO Act in Crime No.31 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that A1 had kidnapped the minor girl and committed sexual intercourse with her. The allegations against the petitioner is that the petitioner had harboured the A1 and the victim girl in her house. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submit that the daughter of the defacto complainant eloped with the son of the petitioner and on the complaint given by the defacto complainant and both were secured and son of the petitioner was arrested and thereafter he was released on bail by the Lower Court. Hence, he sought for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that A1 had kidnapped the minor girl and committed sexual intercourse with her. The

allegations against the petitioner is that the petitioner had allowed A1 and the victim girl to stay in her house. Hence, he opposed for the grant of 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 arrest or on her appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Dharapuram, on condition that the petitioner shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, 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 as and when required for the 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.

04.08.2020

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
tta

To,

1. The Inspector of Police,
Cheyur Police Station,
Tiruppur.

2. The learned Judicial Magistrate,
Dharapuram.

3. The Public Prosecutor,
Madras High Court,
Chennai.



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A.D.JAGADISH CHANDIRA,J.

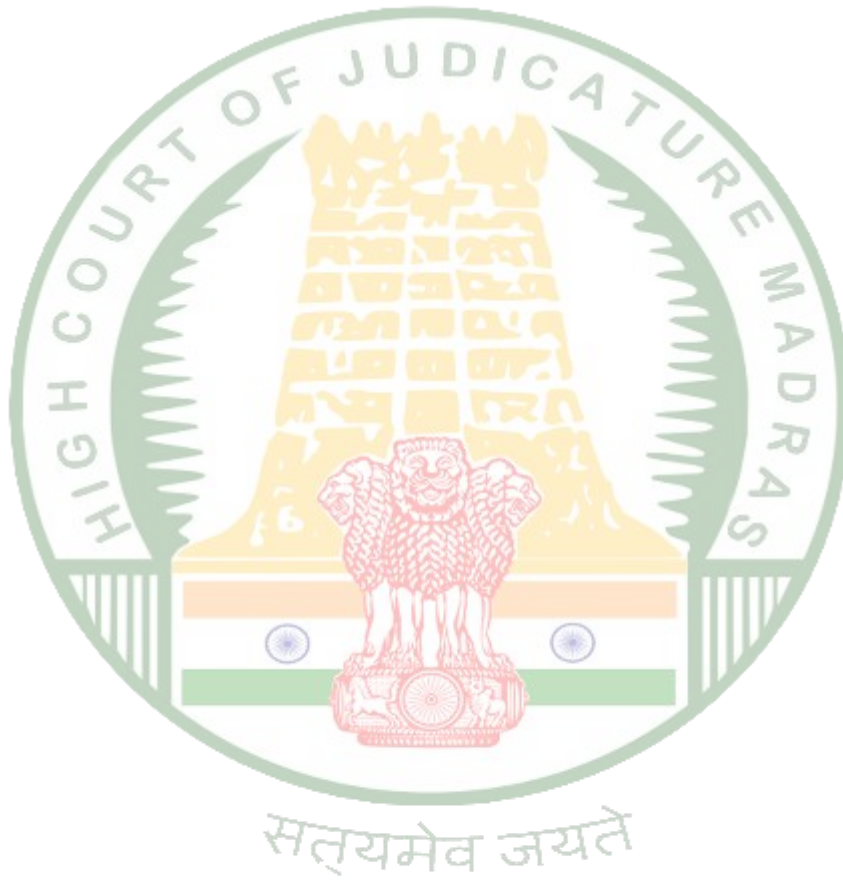
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