

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.12140 of 2020

Raghul

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Poonamallee,
Chennai.

(Crime No.1135 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in connection with the Crime No.1135 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

For Respondent : Mr.K.Prabakar

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 Women Missing later alter into Sections 6 read with Section 5 J (ii)(i) of protection of Children sexual offences Act 2012, in Crime No. 1135 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 the petitioner had kidnapped the minor daughter viz., Emima, aged about 17 years, of the defacto complainant and had committed penetrative sexual assault on her. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl are closed relatives and that they were in love with each other. However, since the defacto complainant refused to their marriage, the victim girl has eloped from the house and came along with the petitioner and that a false complaint has been registered against him. He would submit that coming to know of registration of the case, they came back and that Statement under Section 164 Cr.P.C. has been recorded from the victim girl and it has not supported the case of the prosecution. 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 had abducted the minor daughter of the defacto complainant with an intention to marry her and committed penetrative sexual assault. He would submit that the custody of the petitioner is required for the purpose of conducting medical test.

5 At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner is prepared to cooperate with the respondent for conducting medical test and that he is prepared to appear before any Doctor.

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

7 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 the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Poonamallee, 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., until further orders.

[c] the petitioner shall cooperate with the respondent police for medical examination on a day fixed by the respondent police. In the event of non-cooperation by the petitioner, the respondent shall file a petition for cancellation of anticipatory bail.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
13/08/2020

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 NO.II,
POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POONAMALLEE, CHENNAI.

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

CRL OP.12140/2020

Date :13/08/2020