

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.15901 of 2020

C. Panneer

... Petitioner

Vs.

The State represented by
Inspector of police,
All women Police Station,
Tirupattur District.
Crime No.7 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 arrest in
Crime No.7 of 2020 on the file of the respondent police.

For Petitioner : Mr.Camyles Gandhi

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

O R D E R

(This 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 3(a),
5(i) (ii), 6, 21(1) of POCSO Act, and Under Sections 312, 506(i) of
IPC in Crime No.7 of 2020, on the file of the respondent police,
seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant who
is a minor girl aged 15, is that her uncle one Thirupathi, who is the
brother of her mother, had committed penetrative sexual assault on
her. Due to which she became pregnant and she informed to her mother
and her mother had taken her to a lady Doctor for abortion. Hence
the complaint.

3. The learned Counsel for the petitioner would submit that
only the mother of the victim girl has stated that Thirupathi is the
reason for the pregnancy of her daughter and she has only taken her
to a lady doctor for abortion. He would further submit that as the
petitioner has helped the mother of the victim girl for conducting
abortion, his name was falsely implicated in this case. He would
further submit that the petitioner is arraigned as A2 and the main
accused A1, the brother of the petitioner has been arrested and
released on bail. Hence, he prays for grant of anticipatory bail to
the petitioner.

4. The learned Additional Public Prosecutor would submit that that Thirupathi is the relative of the victim, who had committed sexual assault on the victim girl and made her pregnant and the mother of the victim girl had taken her for abortion to a lady Doctor. He would further submit that statements u/s.164 Cr.P.C. has been recorded from the victim girl and A1, the brother of the petitioner who is the main accused has been arrested and later released on bail. However, he vehemently opposed the grant of anticipatory bail to the petitioner.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Taking into consideration of the facts and circumstances of the case and that statements u/s.164 Cr.P.C. has been recorded from the victim girl and the A1 has been arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order is made ready, before the Mahila Court Thirupattur, 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 every day at 10.30 a.m., for a period of two weeks 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 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 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.

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

-sd/-

08/10/2020

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 MAHILA COURT,
THIRUPATTUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUPATTUR DISTRICT.

CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges Sr.6722

CRL OP.15901/2020

Date :08/10/2020

RVR 15/10/2020

सत्यमेव जयते

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