

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.18894 of 2020

P.Rajendran

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Thandarampattu Police Station,
Tiruvannamalai.
[Crime No. 2613 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 by the respondent police in Crime No. 2613 of 2020, on the file of the respondent police.

For Petitioner : Mr.M.Krishnamoorthy

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 offences punishable under Sections 366(A) of IPC, Section 4 r/w 3(a) and Section 6 r/w 5(l) of POCSO Act, in Crime No. 2613 of 2020, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Tamil Selvi, who is the mother of the victim girl lodged a complaint against the accused persons stating that the accused kidnapped her minor daughter and committed penetrated sexual assault on her.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that there was love affair between A1 and the victim girl and since it was objected by the parents of the victim girl, the victim girl had eloped with the first petitioner. He would further submit that the statement has

been recorded under Section 164 of Cr.P.C from the victim girl. He would further submit that they are prepared to appear before the respondent police regularly for enquiry. He would further submit that the co-accused in this case was granted bail by this Court in CrI.O.P.No.14904 of 2020 on 23.09.2020

4. The learned Additional Public Prosecutor would submit that the petitioner had kidnapped the victim girl and thereafter, the first accused committed sexual assault on her. However, he would submit that in the statement recorded from the victim girl under Section 164 of Cr.P.C she has not stated anything about that the petitioner having committed any sexual assault.

5. Heard both sides and perused the records.

6. Accordingly, the petitioner is directed 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 copy made ready, before the learned Special Court for Trial of Cases under POCSO Act, Thiruvannamalai, 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 Court, 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/ 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.

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

-sd/-
02/12/2020

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 SPECIAL COURT FOR TRIAL
OF CASES UNDER POCSO ACT,
TIRUVANNAMALAI.

2 THE INSPECTOR OF POLICE,
THANDARAMPATTU POLICE STATION,
TIRUVANNAMALAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S.M.KRISHNAMOORTHY Advocate on payment of necessary
charges SR.Nos 7893, 7897

CRL OP.18894/2020

Date :02/12/2020

MN-10/12/2020

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