



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8021 of 2020

AJITH

... PETITIONER/ACCUSED NO-2

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
VADIPATTI POLICE STATION,
MADURAI DISTRICT.
CR.NO. 217 OF 2020..

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.M.Venkatesan,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Cr.No.217 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner who arrayed as A-2 apprehending arrest at the hands of the respondent police for the offences punishable under sections 5(L), 6, 16 and 17 of POCSO Act, in Crime No.217 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that totally there are three accused in this case and the petitioner herein was arrayed as A-2. The allegation is that A-1 in this case on a false promise to marry with victim minor girl, namely; Deepa, after completing the 12th standard examination, on 24.03.2020 was kidnapped and took her into the house of A-3 and A-1 said to have sexually assaulted the minor victim girl. In so far as this petitioner is concerned he gave his bike to A-1 to pick up the victim girl. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged in the First Information Report. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that after registered the First Information Report, the victim minor girl has committed suicide and so far as this petitioner is concerned he helped A-1 for kidnapping the minor victim girl.

6. Considering the rival submissions and on perusal of the First Information Report and other materials available on record, it would seem that A-1 in this case said to have given a false promise and kidnapped the minor victim girl and sexually assaulted her and this petitioner is concerned he has only lent his bike to A-1 and hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Special Court for Exclusive Trial of Cases under POCSO Act, Madurai, and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned 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 as on when required for 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

<https://hccourtsrecords.gov.in/Kcse6/hes> *Govindarajan P. In/ Kcse6/hes* Vs. State of Kerala [(2005) AIR SCW 5560]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/08/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, MADURAI.
- 2 THE INSPECTOR OF POLICE
VADIPATTI POLICE STATION, MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8021 of 2020
Date : 05/08/2020

KSA
JM/AKM/SAR 2/07.08.2020/3P/4C