



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8350 of 2020

Veerasekar

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Papanadu Police Station,
Thanjavur District.
Crime No.698/2020.

... Respondent/Complainant

For Petitioner : M/s.M.Pitchai Muthu,
Advocate.

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

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

PRAYER :-

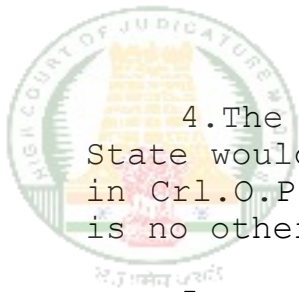
For Anticipatory Bail in Crime No.698 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/2nd accused apprehending arrest at the hands of the respondent police for the offences punishable under Sections 366 (A) of I.P.C. @ Sections 3 and 4 of POCSO Act 2012, in Crime No.698 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and A-1 had kidnapped the minor victim girl, who is aged about 17 years, for the purpose of getting her married. Thereafter, A-1 has sexually assaulted the minor victim girl. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that this petitioner is the brother of A-1 and also he is said to have accompanied with A-1 and kidnapped the minor victim girl. He would further submit that A-1 was arrested.



4.The learned Government Advocate (Crl.Side) appearing for the State would submit that A-1 was already arrested and released on bail in Crl.O.P.(MD)No.7761 of 2020. He would further submit that there is no other overt act attributed against this petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that A-1 was already arrested and released on bail, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned District Munsif-cum-Judicial Magistrate, Orathanadu, Thanjavur District on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or 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 and 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 Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

sd/-
12/08/2020

/ TRUE COPY /

/08/2020
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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ORATHANADU, THANJAVUR DISTRICT.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
PAPANADU POLICE STATION,
THANJAVUR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8350 of 2020
Date :12/08/2020

SJI
TK/PN/SAR.2/14.08.2020/3P/5C