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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9174 of 2020

Arun @ Pandiselvam

... Petitioner/Accused No.3

Vs

The 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 Crime No.217 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner is arrayed as Accused No.3, 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-3. The allegation is that A-1 in this case on a false promise to marry with victim minor girl, after completing her 12th standard examination, on 24.03.2020 kidnapped and took her to 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 has given shelter to A-1. 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 has given shelter to A-1. He further submitted that the co-accused was already released on anticipatory bail by this Court in CrI.O.P. (MD) No. 8021 of 2020.

6. Considering the rival submissions and on perusal of the First Information Report and other materials available on record, it would be seen that A-1 in this case said to have given a false promise and kidnapped the minor girl and sexually assaulted her, and this petitioner is concerned, given shelter to A-1 and the co-accused was already released on bail by this Court 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, within a period of four weeks from the date of receipt of a copy of this order, before the learned Special Court for Exclusive Trial of Cases under POCSO Act, Madurai, 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.R. 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.

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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.9174 of 2020
Date :01/09/2020

SJI
TE/JC/SAR-II : 02/09/2020 : 3P/4C