

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.386 of 2021

Vishnu

... Petitioner

Vs.

State Rep. by The Inspector of Police,
Chengalpattu Taluk Police Station,
Chengalpattu District.
(Crime No.3044 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge Bail to the petitioner in the event of his arrest in Crime No.3044 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Thamaraiselvan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehend arrest at the hands of the respondent police for the offence under Section 363, 366(A), 365 of IPC and 4, 6 POCSO Act and 9 of Prohibition of Child Marriage Act, in Crime No.3044 of 2020, seek anticipatory bail.

2. The petitioner is ranked as A2/friend of A1. The case of the prosecution is that the first accused fell in love with the victim girl aged about 16 years and it is alleged that both of them eloped and got married. The allegation against the petitioner is that he gave shelter to the victim girl and the first accused in her residence. Hence, the compliant.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner is ranked as A2/friend of A1 and the petitioner stayed in the home of A2 with the victim girl. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that investigation is pending.

5. Taking into consideration the facts and submissions made by the learned counsel of this case and also considering the fact that the main accused/A1, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate Court No.II, Chengalpattu, 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 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
18/01/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE COURT
NO.II, CHENGALPATTU.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHENGALPATTU TALUK POLICE STATION,
CHENGALPATTU DISTRICT.

+1 CC to M/S.R.THAMARAISELVAN Advocate on payment of necessary
charges SR.No.618

cs 22/01/2021

CRL OP.386/2021

Date :18/01/2021



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