

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.979 of 2021

1. Santhiya
2. Surya
3. Rukkumani

... Petitioners

Vs.

The State rep. by
Inspector of Police,
All Women Police Station,
Kancheepuram District.
(Crime No.1379 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioners on bail in the event of their arrest in Crime No.1379 of 2020 pending on the file of the respondent.

For Petitioners: Mr.R.Sasikumar

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

ORDER

(The case has been heard through video conference)

The petitioners are arrayed as A4, A3 and A5. They apprehend arrest at the hands of respondent police for the offence punishable under Sections 366(A) of I.P.C. and Section 5(1) of Protection of Children Sexual Offences Act, in Crime No.1379 of 2020 and now, they have filed the above petition seeking for anticipatory bail.

2. The case of the prosecution is that the petitioners are related to A1. A1 is said to have kidnapped a minor girl and also sexually assaulted her. So far as these petitioners are concerned, they have abetted A1 to commit the crime. Hence, the criminal case has been registered against the petitioners. Now, apprehending arrest, the present petition has been filed seeking to grant anticipatory bail.

3. The learned counsel appearing for petitioners would submit that they are only relative of A1 and absolutely there is no

allegation against the petitioners. He would submit that the main accused A1 was arrested and the victim girl was also rescued. He would submit that they are innocent persons and they are no way connected with the offence. He would also submit that they have been falsely implicated in this case. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that these petitioners are relative of A1. He would submit that A1 is said to have kidnapped a minor girl and also sexually assaulted her. So far as these petitioners are concerned, he would submit that they have abetted A1 to commit the crime. He would submit that now the victim girl was rescued. However, he opposed to grant anticipatory bail to the petitioners.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioners as well as learned Additional Public Prosecutor and perused the records.

6. Taking into consideration of the fact that the petitioners are only relative of A1, and there is no serious allegation against the petitioners, the main accused was arrested and the victim girl was also rescued, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge, Special Court for exclusive trial of cases under POCSO Act, Chengalpattu, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, 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, and on further condition that:

[b] 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;

[c] the petitioners shall appear before the respondent police as and when required;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the

conditions have been imposed and the petitioners 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];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
27/01/2021

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 SESSIONS JUDGE, SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
CHENGALPATTU.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANCHEEPURAM DISTRICT.

+1 CC to M/S. R.SASIKUMAR Advocate on payment of necessary
charges SR NO. 904

WEB COPY

CRL OP.979/2021

Date :27/01/2021

MN-04/02/2021