

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.02.2021

CORAM :

THE HON'BLE MR. JUSTICE P. VELMURUGAN

CrI.O.P.No.1310 of 2021

Saravanan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Pothanur Police Station
Coimbatore District.
(Crime No.1550 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.1550 of 2020 pending investigation on the file of the Respondent.

For Petitioner : M/s Depan Uday for
Mr.W.Camyles Gandhi

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

ORDER

The criminal case has been registered against the petitioner for an alleged offence under Sections 4 of NON Act, girl missing @ under Section 366 of I.P.C. and 5(i), 6, 11(i), 12, 16, 17 of POCSO Act and Section 9 of Prohibition of Child Marriage Act, 2006 in Crime No.1550 of 2020. Accordingly, the petitioner has filed this petition seeking to grant anticipatory bail.

2. Though there is no representation by learned counsel appearing for petitioner on record, the representing counsel seeks time.

3. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has involved in the crime and the victim girl was secured by the respondent police and she was sent for home. He would submit that now she eloped with the petitioner from the home and she is in custody of the petitioner. He would submit that the investigation officer is trying to record statement of victim girl under Section 164 of Cr.P.C. He would submit that if the anticipatory bail is granted, it is difficulty to secure an innocent minor girl. Hence, he has raised serious objection to grant anticipatory bail to the petitioner.

4. On a perusal of records, it is seen that the case was registered against the petitioner, the investigation is still pending, and now the victim girl is also said to have eloped with the petitioner from the home and she is in the custody of the petitioner. Therefore, if the anticipatory bail is granted to the petitioner, he will go to any extent, and the statement under Sec.164 of Cr.P.C. has also not been recorded. Hence, under these circumstances, this Court is not inclined to grant anticipatory bail to the petitioner and the respondent police is directed to secure both the accused and the victim girl within a period of two weeks and report the same before this Court. Accordingly, this Criminal Original petition is dismissed.

-sd/-

01/02/2021

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 JUDICIAL MAGISTRATE-VII,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE HONOURABLE POCSO COMMITTEE
HIGH COURT, MADRAS.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
POTHANUR POLICE STATION,
COIMBATORE DISTRICT.

CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges

CRL OP.1310/2021

Date :01/02/2021