

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.2353 of 2021

Elumalai

... Petitioner

-Vs-

State rep by:

... Respondent

The Inspector of Police,
Thiruthuraipoondi Police Station,
Tiruvarur District.
(Crime No.350 of 2017)

Prayer: Criminal Original Petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No.350 of 2017 is pending on the file of the respondent police.

For Petitioner : Mr.N.Palanivel

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The case has been heard through video conference

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 6 r/w 5(i), 5(J)(i), 5(J)(ii), 5(J)(iii), 5(L), 5(q), 17 of POSCO Act and Section 9, 10 of Prevention of Child Marriage Act, 2006 and 315, 365, 366, 376 of IPC, in Crime No.350 of 2017, on the file of the respondent/Police, seeks anticipatory bail.

2. The case of the prosecution is that A1 in this case had love affairs with a minor girl, and he said to have kidnapped her. He has sexually assaulter her against her wish and also tortured her. Based on the complaint given by father of victim girl, the petitioner is the relative of A1, the criminal case was registered against the petitioner and arrayed as A5.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with this crime and he has been falsely implicated in this case. He would further submit that A1 had already been arrested and thereafter he

<https://hcservices.ecourts.gov.in/hcservices/> was released on bail by this Court in Crl.O.P.No.893 of 2021 dated

25.01.2021. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit A1 in this case had love affairs with a minor girl, and he said to have kidnapped her. He has sexually assaulted her against her wish and also tortured her. The petitioner is the relative of A1. The only allegation is that the petitioner helped A1. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and that the co-accused had been released on bail and there is no previous case pending against the petitioner, 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 Sessions Judge, Mahila Court, Fast Track Court, Tiruvarur, 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
24/02/2021

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 SESSIONS JUDGE, MAHILA COURT,
FAST TRACK COURT, TIRUVARUR.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
TIRUVARUR DISTRICT.

+1 CC to M/S.N.PALANIVEL Advocate on payment of necessary charges SR NO. 2198

CRL OP.2353/2021

Date :24/02/2021

MN-05/03/2021

WEB COPY