

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2303 of 2021

J.Sangeetha

... Petitioner

Vs.

State Rep. by
Inspector of Police,
Thuraipakkam Police Station,
Adyar, Chennai District.
(Crime No.103 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 her arrest pending investigation in Crime No.103 of 2020 on the file of the Respondent Police.

For Petitioner : Mr.V.Murugesan

For Respondent : Mr.S.Karthikeyan,
APP

O R D E R

(The case has been heard through video conference)

The petitioner/ A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 366 of IPC and Section 8 of POCSO Act, in Crime No.103 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the victim is a minor girl. On 19.03.2020, A1 in this case, with the help of this petitioner and others kidnapped the minor victim for the purpose of getting marriage. The only allegation against the petitioner is that he has helped A1 to get marry her. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent and she has not committed any offence and she has been falsely implicated in this case. He would further submit that A1 and A2, in this case, were already released on bail. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would vehemently oppose stating that A1 in this case kidnapped the minor daughter of the defacto complainant with the help of this petitioner and others. He further submit that the co-accused A1 and A2 were released on bail. However, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that co-accused in this case were already released on bail, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

[a]. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the Mahila Court, Chengelpet, on condition that the petitioner shall execute a separate 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:

[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 petitioner shall appear before the respondent police as and when required for interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner 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.

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

-sd/-

11/02/2021

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 MAHILA COURT,
CHENGALPET

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

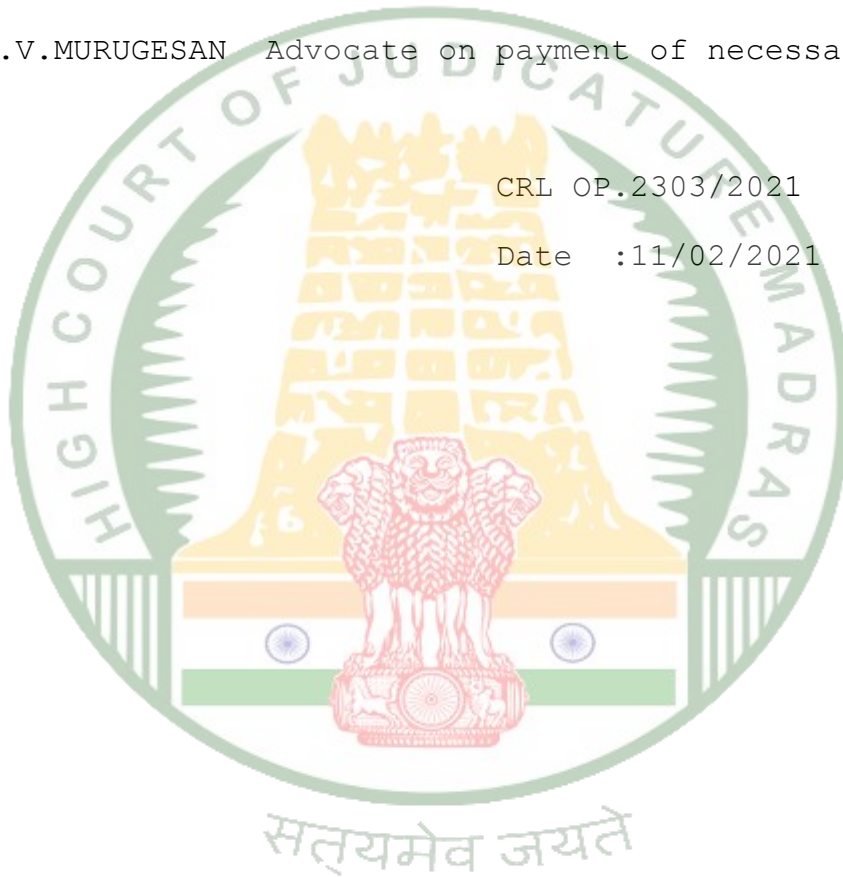
3 THE INSPECTOR OF POLICE,
THURAIPAKKAM POLICE STATION,
ADYAR CHENNAI DISTRICT

CC to M/S.V.MURUGESAN Advocate on payment of necessary charges

CRL OP.2303/2021

Date :11/02/2021

RVR 02/03/2021



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