

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Seventh day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.3827 of 2021

BHARATHNATHAN

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

STATION HOUSE OFFICER,
NETTAPAKKAM POLICE STATION,
NETTAPAKKAM, PUDUCHERRY AND TRANSFERRED TO
ALL WOMEN POLICE STATION,
VILLIANUR, PUDUCHERRY.
CR.NO.182/2020.

For Petitioner : M/S.P.SURESH BABU Advocate

For Respondent : MR.D.BHARATHACHAKRAVARTHY Public prosecutor
for Pondicherry

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 8 of POCSO Act and Section 323,34,436, 506(II),120B of IPC in Crime No.182 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioner/A3 are neighbours and there was some land dispute between them. It is further alleged that the petitioner and other accused person were uttering sexual words and touching the victim girl with sexual intent and the same was questioned by the defacto complainant due to which the petitioner along with other accused persons set fire to the defacto complainant's house. Hence the father of the victim girl file a complaint before the law enforcing agency against the petitioner and other accused persons.

3.The learned counsel appearing for the petitioner/A3 submits that the petitioner is a married person and the main overt act is only against A1 and the petitioner has not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the petitioner and other accused persons touched the victim girl with sexual intent and set fire to the defacto complainant's house. He would further submit that statements u/s 164 Cr.P.C. has been recorded from the victim girl and investigation is going on. Therefore, he vehemently opposed for grant of anticipatory bail to the petitioner.

6.Considering the submission so made by the learned counsel for the petitioner and further even according to the complaint, the main overt act being only against A1, this Court is inclined to grant anticipatory bail to the petitioner.

7.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 of receipt of a copy of this order, before the learned Principal District Judge as Special Judge on POSCO Act, Puducherry 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 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 Court concerned 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 daily until further orders.

(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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

07/04/2021

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 PRINCIPAL DISTRICT JUDGE
AS SPECIAL JUDGE ON POSCO ACT, PUDUCHERRY

2 THE PUBLIC PROSECUTOR
PUDUCHERRY

3 STATION HOUSE OFFICER,
NETTAPAKKAM POLICE STATION,
NETTAPAKKAM, PUDUCHERRY

4 STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION,
VILLIANUR, PUDUCHERRY.

CC to M/S.P.SURESH BABU Advocate on payment of necessary
charges SR.NO.4538

CRL OP.3827/2021

Date :07/04/2021

rvr 19/04/2021

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