

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Fifteenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4459 of 2021

ALTHAP

[PETITIONER / ACCUSED]

Vs

STATE REP.BY ITS
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUTTANI,
THIRUVALLUR DISTRICT.
CRIME NO.8 OF 2020.

[RESPONDENT]

For Petitioner : M/S.G.P.SIVAKUMAR Advocate

For Respondent : MR. S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner is Al. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 363, 313 and 506(i) of IPC and Sections 4, 5(i), 6 of POCSO Act, 2012, in Crime No.8 of 2020 on the file of the respondent police, the petitioner seeks anticipatory bail.

2. The case of the prosecution is that there are totally 8 accused. The allegation is the petitioner and the daughter of the defacto complainant, who was a minor, was in love with each other. The petitioner promised to marry her and had physical relationship with her several times. But the family members of the petitioner opposed to the marriage and the petitioner refused to marry her. As the petitioner refused to marry her a complaint was lodged and the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not indulged in any offence. The petitioner and the victim loved each other and she was on the verge of attaining majority, and there is no sexual harassment, he is willing to marry her after she attaining majority. He further submitted that the other co-accused were arrested and released on bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is the main accused in this case. He promised to marry the victim minor girl but subsequently refused to marry her, hence the complaint. The other co-accused were arrested and released on bail.

5. Considering the facts and circumstances of the case, and considering the statement given by the victim girl under Section 164 of the Cr.P.C. to the learned Magistrate and the fact that co-accused were arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioner, 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 Mahila Judge, Thiruvallur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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, 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 petitioners shall appear before the respondent police as and when required for interrogation.

(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.

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

-sd/-
15/03/2021

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 JUDGE,
THIRUVALLUR.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUTTANI,
THIRUVALLUR DISTRICT.

+1CC to M/S.G.P.SIVAKUMAR Advocate on payment of necessary charges SR NO.3379

CRL OP.4459/2021

Date :15/03/2021

MK:26/03/2021

सत्यमेव जयते

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