

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.4870 of 2021

1 RAJESH
2 ABINESH
3 APPU @ ABOORVAN

[PETITIONERS/ ACCUSED]

Vs

THE STATE REP.BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDHACHALAM, CUDDALORE DISTRICT.
CR.NO.2 OF 2021.

[RESPONDENT]

For Petitioner : M/S.M.SELVAM Advocate

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners are A3 to A5. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 11(1), 12 and 17 of POCSO Act r/w Sections 294(b), 341, 352, 427 and 506(i) of IPC again r/w Section 4 of Tamil Nadu Women Harassment Act, in Crime No.2 of 2021 on the file of the respondent police, the petitioners seek anticipatory bail.

2. The case of the prosecution is that there are totally 5 accused. The allegation is that A1 was in love with the victim girl, who was a minor. A1 misbehaved with the victim girl and she complained to her parents and A1 consumed poison. The petitioners are the friends of A1, thereafter went to the defacto complainant's house and abused the victim girl and her family members. Hence, the respondent police registered a case against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners did not indulged in any offence. He further submitted that they have been falsely implicated as accused in this case and hence he prays to grant anticipatory bail to the petitioners. He further submitted that A1 was arrested and released on bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners were the friends of A1, as A1 consumed poison, they abused the girl and her family members. Apart from that there is no specific allegation against the petitioners. The other co-accused were arrested and released on bail.

5. Considering the facts and circumstances of the case and the fact that there is no specific allegation against the petitioners 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 Special Court for Exclusive Trial of cases under POCSO Act, Cuddalore, on condition that the petitioners 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 SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
VIRUDHACHALAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDHACHALAM, CUDDALORE DISTRICT.

CC to M/S.M.SELVAM Advocate on payment of necessary charges
SR.NO. 3471

CRL OP.4870/2021

Date :15/03/2021

rvr 31/03/2021

सत्यमेव जयते

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