

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fifteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.6242 of 2021

VIJAYA

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY
SUB-INSPECTOR OF POLICE,
PUDUPALAYAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.
CR.NO.2514/2020.

[RESPONDENT]

For Petitioner : M/S. S.PANNEER SELVAM Advocate

For Respondent : M/S.KRITIKA KAMAL, Govt. Advocate (Crl. Side)

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 Section 366(A) of IPC thereafter altered to Sec, 4 and 6 of POCSO Act, in Crime No.2514 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 had kidnapped the victim girl and sexually assaulted her. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. He would further submit that A1 and the victim girl loved each other and thereafter they eloped and stayed in the petitioner's house. Just because she granted accommodation to the victim girl and A1, she implicated in this case. Hence, the learned counsel prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that A1 had kidnapped the victim girl and sexually assaulted her. She would

further submit that the statement of 164 Cr.P.C., has been recorded from the victim girl. However, she vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before **the Sessions Judge, (FAC), Special Court for Trial of Cases Under POCSO Act, Tiruvannamalai**, 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 as and when required for interrogation.

© 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/-
15/04/2021

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 SESSIONS JUDGE,
(FAC), SPECIAL COURT FOR TRIAL OF CASES
UNDER POCSO ACT, TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, CHENNAI-104.

3 THE SUB-INSPECTOR OF POLICE, PUDUPALAYAM POLICE
STATION, TIRUVANNAMALAI DISTRICT.

CC to M/S. S.PANNEER SELVAM Advocate on payment of necessary
charges

CRL OP.6242/2021

Date :15/04/2021

RG.03.05.2021