

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Sixth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7710 of 2021

1 VIJIYA

[PETITIONERS / ACCUSED]

2 MALLI

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTHUKOTTAI
(IN CR.NO.03/2020)

For Petitioner : M/S.B.M.SANTHARAM Advocate

For Respondent : MR.T.SHUNMUGA RAJESWARAN,
Government Advocate (crl.side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 376, 506(i) of IPC and Section 6 of POCSO Act 2012 in Cr.No.03 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto and A1 loved each other. A1 promised to marry the defacto complainant and had physical relationship with her. Later he refused to marry her. Based on the complaint lodged by the defacto complainant, the law enforcing agency registered a case against the petitioners and other accused.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case and the co-accused has already released on bail. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that now the victim girl is aged about 19 years and A1 has already released on bail the the Court below.

5. Taking into consideration of the facts and circumstances of the case and co-accused (A1) has already released on bail, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, 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 Court, Thiruvallur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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:

(b) the petitioners 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;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, 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]; and;

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

-sd/-

26/04/2021

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 MAHILA COURT,
THIRUVALLUR.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTHUKOTTAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS, CHENNAI.

CC to M/S.B.M.SANTHARAM Advocate on payment of necessary charges

CRL OP.7710/2021

Date :26/04/2021

cs 23/06/2021