

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE R.SUBRAMANIAN

Crl.O.P.No.9283 of 2021

Prashanth

... Petitioner

Vs.

The State rep. By
The Inspector of Police,
Uthiramerur Police Station,
Uthiramerur, Kanchipuram District. Respondent
(Crime No.74 of 2021)

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest pending investigation in Crime No.74 of 2021 on the file of the respondent.

For Petitioner : Mr.K.G.Senthilkumar

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest pursuant to the First Information Report registered against him in Crime No.74 of 2021 under Sections 294(b), 323 of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act and Section 7 and 8 of POCSO Act, 2012, seeks anticipatory bail.

2.A perusal of the First Information Report shows that there has been a long standing dispute between the families of the complainant and the accused in respect of title to certain ancestral property.

3.Considering the same, I am of the opinion that the petitioner could be granted Anticipatory Bail with certain conditions. Hence, 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 resumption of regular hearings at Chengalpattu, before the learned Sessions Judge, Special Court for exclusive Trial cases under POCSO Act at Chengalpet, subject to the following conditions:

(a) 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, failing which, the petition for anticipatory bail shall stand dismissed;

(b) the petitioner and 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 petitioner shall report before the respondent police as and when required for interrogation.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(e) the petitioner 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 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 Kerela [(2005) AIR SCW 5560].

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

4. With the above directions, anticipatory bail is granted and this Criminal Original Petition is ordered.

-sd/-

01/06/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

WEB COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVETRIAL OF CASES
UNDER POCSO ACT, CHENGALPET

2 INSPECTOR OF POLICE,
UTHIRAMERUR POLICE STATION,
UTHIRAMERUR, KANCHIPURAM DISTRICT.

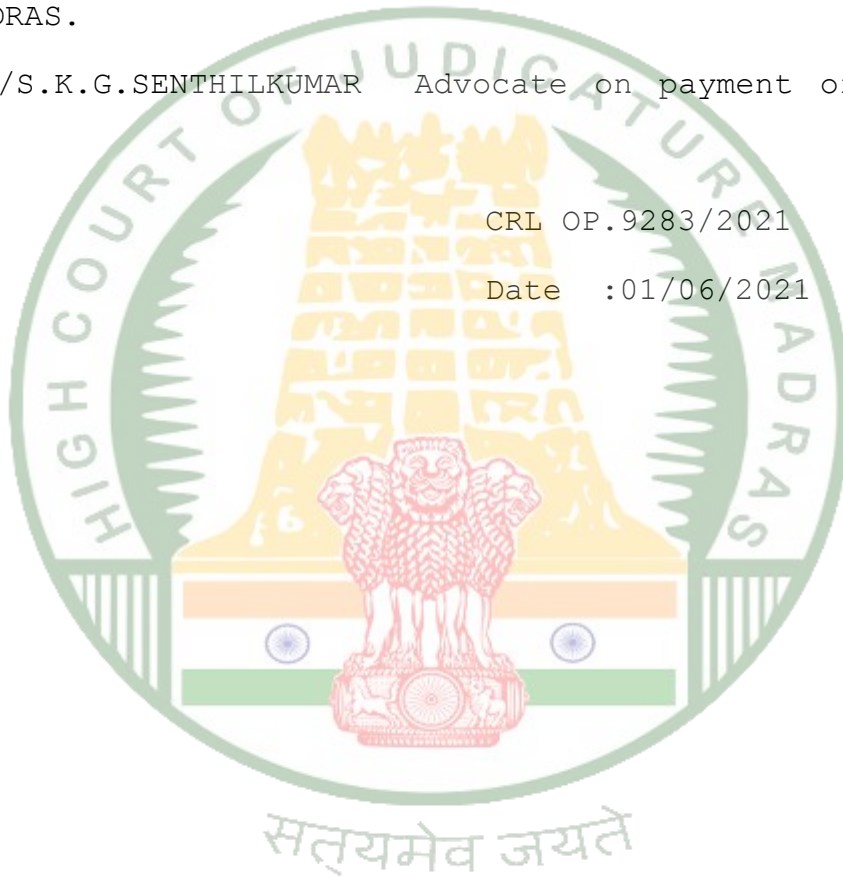
3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.K.G.SENTHILKUMAR Advocate on payment of necessary
charges

CRL OP.9283/2021

Date :01/06/2021

RVR 06/07/2021



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