



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twelfth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13399 of 2021

KARTHIK

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
MAGUDAMCHAVADI POLICE STATION,
MAGUDAMCHAVADI,
SALEM DISTRICT
(CR.NO.625/2020)

[RESPONDENT]

For Petitioner : M/S.R.MURUGA BHARATHI Advocate

For Respondent : Mr.C.E.Pratap Government Advocate (Crl. Side)

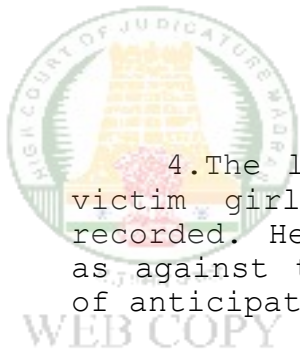
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 363 of IPC and Section 5(1) r/w 6 of POCSO Act, 2012 in Crime No.625 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the father of the victim girl and he lodged a complaint before the respondent Police alleging that his daughter was found missing on 07.09.2020 and suspecting that she was kidnapped by the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is in no way connected with the alleged offence and he has been falsely implicated in this case and he further submits that the daughter of the defacto complainant had love affair with the petitioner and left home on her own volition. Therefore, the petitioner has not committed any offence as alleged by the prosecution and prays for grant of anticipatory bail.



4. The learned Government Advocate (Crl.Side) submitted that the victim girl has been secured and 164 statement has also been recorded. He further submits that there is no previous case pending as against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. This Court had perused the statement of the victim under Section 164 of Cr.P.C. which reveals that the victim, on her own volition went along with the petitioner and further, there is no specific overt act has been attributed against the petitioner and the victim girl has been secured, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Sessions Judge for Protection of Children from Sexual Offences Act Cases, Salem, 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) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(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 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/-

12/08/2021

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 SESSIONS JUDGE FOR
PROTECTION OF CHILDREN FROM SEXUAL OFFENCES
ACT CASES, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MAGUDAMCHAVADI POLICE STATION,
MAGUDAMCHAVADI, SALEM DISTRICT

CC to M/S.R.MURUGA BHARATHI Advocate on payment of necessary charges Sr.8430

CRL OP.13399/2021

Date :12/08/2021

RVR 23/08/2021