



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Seventeenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13908 of 2021

BARATHI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
METTUR.
(CR.NO.4/2021)

[RESPONDENT]

For Petitioner : M/S.S.SENGKODI Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence under Sections 363, 109 IPC and 6 of POCSO Act, 2012 in Crime No.4 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 and the petitioner has kidnapped the defacto complainant's elder daughter/victim girl who is a minor girl aged about 16 years. Hence the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner is in no way connected with the offence as alleged by the prosecution and that he has been falsely implicated in the case. He further submits that the petitioner is the friend of A1 and he has simply accompanied with A1. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate appearing for the respondent submits that A1 and his friends had kidnapped the minor victim girl, who is aged 16 years. He further submits that the statement of the victim u/s 164 Cr.P.C. was recorded.



5. Considered the submissions made on either side and also perused the materials available on records carefully, including the statement of the victim u/s 164 Cr.P.C.

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6. On a perusal of the statements of the victim girl recorded under section 164 of Cr.P.C., it reveals that the victim girl and the petitioner's friend/A1 were in love with each other. It further reveals that there is no serious allegations against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7. 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 Trial Judge under POCSO Act, 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) 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 daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

(c) 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 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;



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

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-sd/-
17/08/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE TRAIL JUDGE,
UNDER POCSO ACT, SALEM.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
METTUR

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.SENGKODI Advocate on payment of necessary charges
SR NO.8632

CRL OP.13908/2021

Date :17/08/2021

CSK 31/08/2021