



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16185 of 2021

KOGILA

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CHENGAM,
THIRUVANNAMALAI DISTRICT.
CRIME NO.3 OF 2021

[RESPONDENT]

For Petitioner : M/S.R.BALAKRISHNAN Advocate

For Respondent : MR.A.GOPINATH, 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 for the alleged offence punishable under Sections 376(2) (n) of IPC and Section 5(1),5(J) (ii), 6 r/w 17 of POCSO Act, in Crime No.3 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a love a love affair between A1 and the victim girl. Thereby A1 kidnapped the victim girl and had sexual relationship with her. Thereby defacto complainant's mother filed a complaint before the law enforcing agency.

3. The learned counsel appearing for the petitioner submits that the petitioner did not committed any offence as alleged by the prosecution and she have been falsely implicated in this case. In fact the main accused was already granted bail by the trial Court. The petitioner arrayed as A3 is the mother of A1. No allegation was made against the petitioner.



4. The learned Government Advocate submitted that already the main accused A1 had enlarged on bail. However, he opposed for grant of anticipatory bail to the petitioner.

5. This court perused the 164 statement. On perusal of 164 statement reveals that the victim girl on her own volition went along with the petitioner and had physical relationship with him.

6. Considering the facts and circumstances of the case, no serious allegation was made against the petitioner A3, who is the mother of A1. Hence, I am inclined to grant bail to the petitioner.

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 Special Court for exclusive trial of cases under POCSO Act, Thiruvannamalai on condition that the petitioner 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:

(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;

(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 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.

WEB COPY

-sd/-
15/09/2021

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 COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
THIRUVANNAMALAI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CHENGAM, THIRUVANNAMALAI DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.BALAKRISHNAN Advocate on payment of necessary charges SR.NO.10121

CRL OP.16185/2021

Date :15/09/2021

JPA 01/10/2021