



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

Wednesday, the Eighth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16266 of 2021

P.SIDDESWARAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
AWPS, METTUR.
CRIME NO.4/2021

[RESPONDENT]

For Petitioner : M/S.K.THENRAJAN 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 apprehend arrest for the alleged offence under Section 363 and 109 of IPC and Section 5(1) & 6 of POCSO Act in Cr.No.4 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that accused/A-1 was in love with the victim girl and with the help of petitioner and other accused persons, accused/A-1 kidnapped the victim girl. Thereby, the defacto complainant, who is the mother of victim girl lodged a complaint against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submits that the petitioner was friend of accused/A-1, who was in love with the victim girl. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that the petitioner was friend of A-1 and there is no serious allegation made against the petitioner. He further submits that the Statement of the victim U/s. 164 Cr.P.C has also been recorded. Hence, he vehemently opposed for granting anticipatory bail to the petitioner.

5. This Court perused the Statement of the victim recorded U/s. 164 Cr.P.C, which reveals that there is no serious allegation made against the petitioner. Therefore, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) Accordingly, petitioner is ordered to be released on anticipatory 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 Court for the Exclusive Trial of POCSO 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:

(b) 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;

(c) 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;

(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 anticipatory 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.

WEB COPY

-sd/-

08/09/2021

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 THE
EXCLUSIVE TRIAL OF POCSO ACT CASES, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
AWPS, METTUR.

+1 CC to M/S.K.THENRAJAN Advocate on payment of necessary
charges SR.NO.9746

CRL OP.16266/2021

Date :08/09/2021

RW 27/09/2021