



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.16362 of 2021

TAMIL SELVAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
SANKARI ALL WOMEN POLICE STATION,
SALEM DISTRICT.
CRIME NO. 7 OF 2021.

[RESPONDENT]

For Petitioner : M/S. T.N.RANGESH KANNA Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (CrI. 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 of Indian Penal Code, 1860 and Section 8 r/w 7 of POCSO Act in Cr.No.7 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner had love affair with the victim girl, who was the daughter of defacto complainant. Thereby, the defacto complainant lodged a complaint against the petitioner that her daughter was missing and later, came to know that she was kidnapped by the petitioner. Hence, the law enforcing agency registered a case 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 victim girl on her own volition, went along with the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that the victim girl was in love with the petitioner and on her own volition went to the petitioner's house. He further submits that the Statement of the victim U/s. 164 Cr.P.C has also been recorded. However, 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, in which the victim girl has clearly stated that, on her own volition she went along with the petitioner.

6. In view of the above facts, 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 POCSO Court at 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 POCSO COURT,
SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SANKARI ALL WOMEN POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S. T.N.RANGESH KANNA Advocate on payment of necessary charges SR.NO.9730

CRL OP.16362/2021

Date :08/09/2021

RW 27/09/2021