



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

Tuesday, the Fourteenth day of September Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16454 of 2021

1 PRASANTH
2 INDHU

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUTTANI,
THIRUVALLUR DISTRICT.
CRIME NO. 1055 OF 2021.

[RESPONDENT]

For Petitioner : M/S. G.P.SIVAKUMAR 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 petitioners, who apprehend arrest for the alleged offence under Sections 363, 365, 366, 376(3), 376(2)(n) of IPC and Sections 4(2), 6(1), 17 of POCSO Act in Cr.No.1055 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant/mother of the victim girl, along with her husband went to work on 12.08.2021 at early morning 5.00 a.m and returned home on the same day at 10.15 a.m. At that time, they came to know that their elder daughter/victim girl was missing. Thereafter, they searched for the victim girl in the nearby places and were unable to find their daughter. Hence the defacto complainant/mother of the victim girl lodged a case which was registered under Section 174 Cr.P.C by the respondent police. Subsequently, the complaint was registered against the petitioners.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they are no way connected with the alleged offences and they have been falsely implicated in this case. Hence he prays for grant of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.Side) submitted that the victim girl on her own volition eloped with her lover, namely Vijayakumar. He also submitted that the statement of the victim under section 164 Cr.P.C has been recorded and produced a copy of the same before this Court.

5. A perusal of the 164 statement reveals that there is no allegation made against the petitioners and the victim girl has not mentioned even the names of the petitioners in the 164 Statement. Hence this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Mahila (POCSO Act) Court, Thiruvallur on condition that the petitioners shall execute separate 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 petitioners 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 petitioners 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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/-

14/09/2021

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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 MAHILA (POCSO ACT) COURT,
THIRUVALLUR.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUTTANI,
THIRUVALLUR DISTRICT.

+1 CC to M/S. G.P.SIVAKUMAR Advocate on payment of necessary charges SR.NO.10094

CRL OP.16454/2021

Date :14/09/2021

INBA 24/09/2021