

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.18561 of 2020

1.Kalpana
2.Jayalakshmi
3.Santhi

... Petitioners/Accused No.2,4 and 5

-Vs-

State Rep. by
Inspector of Police,
All Women Police Station
Thiruvannamalai,
Thiruvannamalai District.
(Crime No.28 of 2020)

... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioners on bail in the event of their arrest pending investigation in Crime No.28 of 2020 on the file of respondent.

For Petitioners : Mr.R.Balakrishnan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest for the alleged offence under Sections 363, 366 (A), 376(2)(n), 506(i) of IPC and Section 3 (a), r/w 4, 5(1) r/w 6, 4 & 6 r/w 17 of POCSO Act 2012, in Crime No.28 of 2020, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the 1st petitioner is a close relative of A1. The 2nd petitioner is the mother of A1 and the 3rd petitioner is the elder sister of A1. The allegation against the present petitioners is that with the help of the petitioners A1 kidnapped and married the minor girl and also had forcefully committed sexual intercourse with her. Based on a complaint given by the mother of the victim girl, the crime has been registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are the close relatives of A1 and that absolutely no allegations as against these petitioners and they have been falsely implicated in this case. Hence, he prays for anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners are actually abetted A1 and they have also threatened the victim minor girl not to disclose the same to her parents. He further submit that the statement of the victim girl has been recorded under Section 164 of Cr.P.C.

5.Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 on which the order copy made ready, before the learned Special Judge for POCSO Act, Thiruvannamalai, on condition that the petitioners 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] 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.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

05/01/2021

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 JUDGE OF POCSO ACT
THIRUVANNAMALAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVANNAMALAI,
THIRUVANNAMALAI DISTRICT.

CC to M/S.R.BALAKRISHNAN Advocate on payment of necessary
charges Sr.138

CRL OP.18561/2020

Date :05/01/2021

RVR 19/01/2021