

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.19627 of 2020

Karthik

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
All Women Police Station,
Mayiladuthari,
Mayiladuthari District.
(Crime No.20 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest by the respondent police in Crime No. 20 of 2020 on the file of the respondent police.

For Petitioner : Mr.M. Sathish Kumar

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence under Sections 366 and 366 A of IPC r/w Section 6 and 5(1) of the Protection of Children from Sexual Offences Amendment Act, 2019, in Crime No.20 of 2020, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that as per the defacto complainant is that the first accused is alleged to have kidnapped her minor daughter and married her and also committed sexual assault on her. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case since he happens to be the friend of A1. Even as per the statement recorded from the victim girl under section 164 Cr.P.C., there is no allegation against the petitioner. Hence, he prays for anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor would submit that the first accused with the help of the petitioner, had kidnapped the minor daughter of the defacto complainant and married her and also committed sexual assault on her and he would further submit that A1 has already been arrested and subsequently, released on bail. therefore, he opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the statement of victim given under Section 164 Cr.P.C and the co-accused already arrested and released on bail, this court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 on which the order copy made ready, before the Judicial Magistrate, Mayiladuthurai, 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, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner 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 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.

[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].

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

-sd/-
06/01/2021

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 JUDICIAL MAGISTRATE,
MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MAYILADUTHARI,
MAYILADUTHARI DISTRICT.

+1CC to M/S M.SATHISH KUMAR Advocate on payment of necessary charges SR NO.274

CRL OP.19627/2020

Date :06/01/2021

MK:20/01/2021

WEB COPY