

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Crl.O.P.No.19754 of 2020

Sneha Murugesu

... petitioner

Vs.

State Rep. by The Inspector of Police, Respondent
B-2 Variety Hall Road Police Station,
Coimbatore.
(Crime No.1078 of 2020)

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge Bail to the petitioner in the event of his arrest in Crime No.1078 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.Aravind Subramanyam

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence under Section 366 of IPC, Section 5(1) Read with Section 6, Section 6 Read with 17 of POCSO Act, in Crime No.1078 of 2020, seeks anticipatory bail.

2. There are totally four accused, the petitioner is ranked as A3, who is none other than sister of A1. The case of the prosecution is that the first accused fell in love with the victim girl aged about 16 years. He would submit that A1, his uncle namely Manikandan and his sister Sneha, the petitioner herein had colluded each other and kidnapped the victim girl to Kodaikanal and thereafter, the A1 forcibly made physical relation with the victim girl at Kodaikanal and left her in Theni Bus stand. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. The petitioner is ranked as A3/sister of A1 and the petitioner only advised the victim girl and the 1st accused that first finish the studies and then settle. Hence, he prays for

anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that A1 and A2 were arrested and they are still in judicial custody. He would submit that the investigation is still pending and also recorded the statement from the victim girl under Section 164(5) Cr.P.C. Hence, he vehemently opposed for the grant of bail to the petitioner.

5.Heard the learned counsel on either side. Perused the materials available on record including the 164 statement recorded from the victim girl.

6.Taking into consideration the facts and submissions made by the learned counsel of this case and also considering the fact that A1 is the main accused who had forcible physical relationship with the victim girl and the petitioner is a sister of A1, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.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 is made ready, before the learned Special POC SO Act Court, Coimbatore, 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, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their 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 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]**.

[६] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
19/01/2021

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 POCSO ACT COURT,
COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
B-2 VARIETY HALL ROAD POLICE STATION,
COIMBATORE.

+1 CC to M/S.M.ARAVIND SUBRAMANYAM Advocate on payment of
necessary charges SR.NO.519

CRL OP.19754/2020

Date :19/01/2021

TA-25/01/2021

सत्यमेव जयते

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