

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.19755 of 2020

Kamalakannan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police
Veraiyur Police Station,
Veraiyur,
Tiruvannamalai District.
(Crime No.2632 of 2020) Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.46 of 2020 on the file of the respondent police.

For Petitioner : MrB.Jawahar

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 offences punishable under Sections 366(A) @ 366(A), 363 IPC and Section 12 of POCSO Act 2012, in Crime No.2632 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is ranked as A2, who is the friend of A1. It is alleged that A1 had fallen in love with the minor girl and kidnapped by A1 and A2. Hence, the present complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is only the friend of A1 and that the allegation is only that he has taken A1 and the victim girl in his motor cycle. He further submits that A1 was arrested and subsequently released on bail. Hence, he seeks for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would vehemently oppose to enlarge the petitioner on bail on the ground that the prime accused A1 was already arrested and released on bail and that the victim girl has also been secured.

5. Taking into consideration of the facts and circumstances of the case, A1 was released on bail and that the victim girl has also been secured, this Court is inclined to grant bail to the petitioner subject to the following conditions:

a) 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 of receipt of a copy of this order, before **the Special Court for Exclusive trial of Cases under POCSO Act, Tiruvannamalai**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

[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 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]**.

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

With the above directions, this Criminal Original Petition is ordered.

-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 COURT FOR EXCLUSIVE TRIAL OF
CASES UNDER POCSO ACT, TIRUVANNAMALAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
VERIYUR POLICE STATION,
VERAIYUR,
TIRUVANNAMALAI DISTRICT.

CC to M/S.B.JAWAHAR Advocate on payment of necessary charges

CRL OP.19755/2020

Date :05/01/2021

TA-02/02/2021

सत्यमेव जयते

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