

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2021

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No.20351 of 2020

Periyarselvan

... Petitioner/Sole Accused

-Vs-

The State Represented by,
The Inspector of Police,
All Women Police Station,
Ariyalur,
Ariyalur District.
(Crime No.8 of 2020) ... Respondent/Complainant

Prayer: Criminal Original petition filed under Section 438 of Code of Criminal Procedure praying to enlarge the petitioner on bail in the event of his arrest in Crime No.8 of 2020 on the file of the respondent police.

For Petitioner : Mr.V.Kasinatha Bharathi

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

(Heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 366(A) of IPC r/w 5(i), 5(j) r/w Section 6 of POSCO Act, 2015, in Crime No.8 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The petitioner is the sole accused. The case of the prosecution is that on 23.12.2019, the victim girl left from home and went to Government Higher Secondary School, Ariyalur, when the defcto complainant received a phone call from the petitioner stating that he brought her daughter to Trichy to purchase a car, and thereafter whereabouts of the victim girl was not known. Hence, on the complaint lodged by the defacto complainant a case was registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is a close relative of the defacto complainant and there is a love affair between the petitioner and the victim girl, and at present the victim girl is in relative's

home safely and the petitioner is willing to marry her on attaining age of majority. Hence, the learned counsel for the petitioner seeks anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner took away the victim girl and married her and had sexual relationship with her, by which she became pregnant. He would further submit that statement of the victim girl under Section 164 Cr.P.C was recorded and the is at present is 17 years old and the investigation is pending.

5.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent an perused the 164 Cr.P.C.

6.Considering the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7.Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.I, Ariyalur, on condition that the petitioner shall execute a 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, 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 every day at 10.30 a.m., for a period of two week and thereafter as and when required.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-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 JUDICIAL MAGISTRATE,
NO.I, ARIYALUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
ARIYALUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARIYALUR.

+1 CC to M/S.V.KASINATHA BHARATHI Advocate on payment of
necessary charges SR NO. 508

CRL OP.20351/2020

Date :19/01/2021

MN-27/01/2021