



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21554 of 2021

1. Kodikatha Kumaran
2. Mothilal

...Petitioners

Versus

The State rep by
The Inspector of Police
Jolarpettai Police Station,
Tiruppathur District.
(Crime No.417 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.417 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.M.Sathish kumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 366 & 376 of IPC, r/w Section 5(1), 6 of POCSO Act 2012 in Crime No.417 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had kidnapped the victim girl and arranged the marriage between the first accused and the victim girl. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that there was a love affair between the first accused and the victim girl and they have eloped, a false case has been given. Hence, he prays for grant of anticipatory bail to the petitioners.



4. The learned Additional Public Prosecutor submitted that the statement under Section 164 of Cr.P.C has been recorded from the victim girl and the victim girl has also been secured. He further submitted that the investigation is almost completed. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Tiruppattur, Tiruppattur District, on condition that the petitioners 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 and on further condition that:

(a) if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioners shall stay at Pudukkottai and report before the Inspector of Police, Town Police, Station, Pudukkottai, on every Tuesday and Sunday at 10.30 a.m., until further orders.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 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]; and;



(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-

01/12/2021

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.II, TIRUPPATTUR, TIRUPPTUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
JOLARPETTAI POLICE STATION,
TIRUPPATHUR DISTRICT.

4 THE INSPECTOR OF POLICE,
TOWN POLICE STATION, PUDUKOTTAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.SATHISH KUMAR Advocate on payment of necessary charges SR.NO.13912

CRL OP.21554/2021

Date :01/12/2021

RW 07/12/2021