



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21720 of 2021

1.Vinothkumar
2.Elumalai

... Petitioners/Accused No.2 and 3

Vs.

The State
Rep. by The Inspector of Police,
Tiruvannamalai Town Police Station,
Tiruvannamalai,
Tiruvannamalai District.
(Crime No.3717 of 2020)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.3717 of 2020 on the file of the respondent police.

For Petitioners : Mr.B.Jawahar

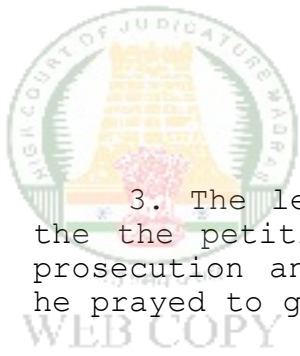
For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 17.10.2021 for the offence under Sections 147, 148, 366(A), 294 (b), 506(ii), 363, 366 of IPC r/w Section 11(4) and 12 of Protection of Child from Sexual Offences Act, 2012, in Crime No.3717 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's daughter namely Baby @ Trisha was kidnapped by the petitioners along with other persons and abused her. Hence, the complaint.



3. The learned counsel appearing for the petitioner submit that the the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl.side) submitted that the victim girl was taken away by force and 164 statement recorded by the learned Magistrate was also produced before this Court. He would further state that the main accused has already been arrested and other accused were absconded. Hence, he opposed to grant bail to the petitioners.

5. Considering the fact that the investigation is almost completed and also considering the period of incarceration undergone by the 2nd petitioner, this Court is inclined to grant bail to the 2nd petitioner alone with certain conditions.

5. Considering the gravity of the offence, I am not inclined to grant anticipatory bail to the petitioner/Accused No.1. Accordingly, this petition is dismissed as against the petitioner/Accused No.1.

6. Considering the fact that there is no serious allegation as against the petitioners/A2, this Court is inclined to grant anticipatory bail to the petitioner/A2.

6. Accordingly, the 2nd petitioner is ordered to be released on bail on his executing 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 Special Court for Exclusive Trial of Cases, under POCSO Act, Tiruvannamalai, and on further conditions that:

(a) 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 2nd petitioner shall report before the respondent police every Friday at 10.30 a.m. until further orders;

(c) the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 2nd 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]; and;

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

-sd/-
19/11/2021

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 INSPECTOR OF POLICE,
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI.
TIRUVANNAMALAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.21720/2021

Date :19/11/2021

JPA 22/11/2021