



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.21727 of 2021

Vignesh

... Petitioner

Versus

The Inspector of Police,
Pallikonda Police Station,
Pallikonda,
Vellore District.
(Crime No.235 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on Anticipatory Bail in the event of arrest by the respondent police in Crime No.235 of 2021 on the file of respondent police.

For Petitioner : Mr.M.R.Thangavel

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

O R D E R

The petitioner, who apprehends arrest for the alleged offence under Section 363 IPC and 5(L),6 of POCSO Act-2012, in Crime No.235 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that based on the complaint preferred by one Ponnusamy alleging that his daughter was found missing from 11.08.2021 at about 10.30 AM. Further it was the case of defacto complainant that his daughter went out of house saying that she will be return back soon and thereafter has not returned to home. Hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. On earlier occasion the girl was given marriage to one elder person aged about 42 and the petitioner advised to both and the family members gave false complaint. They would not lodged harassment to the victim girl. Hence, he prays for grant of anticipatory bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent raised strong objection, when the complaint given by the father of the victim girl case was registered on 363 of IPC girl missing, 161 statement also recorded from the victim girl. Investigation almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact, the girl is at parents house and 161 statement was recorded, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 learned Judicial Magistrate No.5, Vellore, 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall appear before the Sriperumbudur police every Saturday at 10.30 a.m until further orders;

(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]; 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 JUDICIAL MAGISTRATE,
NO.V, VELLORE

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
PALLIKONDA POLICE STATION,
PALLIKONDA, VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
SRIPERUMBUDUR POLICE STATION,
SRIPERUMBUDUR, CHENNAI

CC to M/S. M.R.THANGAVEL Advocate on payment of necessary charges SR.13098

CRL OP.21727/2021

Date :19/11/2021

RVR 23/11/2021