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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23330 of 2021

P.Stephen

... Petitioner

Versus

1.The Inspector of Police,
U-1, Old Town Police Station,
Cuddalore, Cuddalore District.
(Crime No.63 of 2021)

2.The Inspector of Police,
All Women Police Station,
Cuddalore District.

... Respondents

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.63 of 2021 registered for the alleged offences punishable under Sections 366(A) IPC @ 366 IPC r/w 5(L), 6 & 17 of POCSO Act, now pending on the file of the 2nd respondent police.

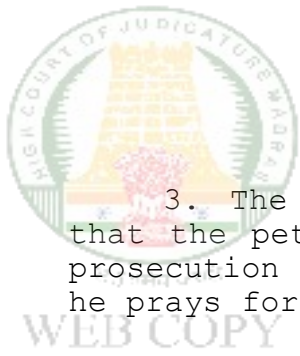
For Petitioner : Mr.A.Ponlingam

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 366A IPC @ 366 IPC r/w 5(L), 6 & 17 of POCSO Act in Crime No.63 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with A1 and the victim girl are loved each other and when the said fact came to the knowledge of the victim's parents, both A1 and the victim girl eloped to Chennai. Hence this case.



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. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the investigation almost completed. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, 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 before the learned Judicial Magistrate Court No.1, Cuddalore 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 petitioner shall report before the 2nd respondent police on every Sunday 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.

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06/12/2021

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.I, CUDDALORE.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
U-1, OLD TOWN POLICE STATION ,
CUDDALORE , CUDDALORE DISTRICT.

5 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CUDDALORE, CUDDALORE DISTRICT.

+1 CC to M/S. A.PONLINGAM Advocate on payment of necessary charges SR.NO.14099

CRL OP.23330/2021

Date :06/12/2021

RW 09/12/2021