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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.23399 of 2021

Ponnusamy

... Petitioner

Versus

State Rep by
The Deputy Superintendent of Police,
CBCID North Namakkal,
Namakkal District.
(Crime No. 2 of 2019)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of their arrest in Crime No.2 of 2019 pending investigation on the file of the respondent police.

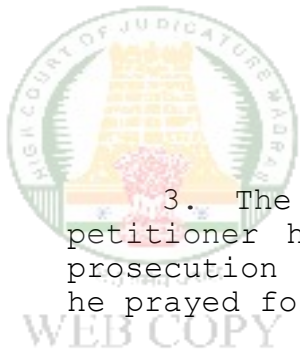
For petitioner : Mr.C.S.Saravanan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under sections 370(2), 370 (4), 420, 471, 109 of IPC and Sections 80,81 of the Juvenile Justice (Care and Protection of Children) Act, 2015 in Crime No.2 of 2019 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is claimed to be a priest of a Church in Kollimalai Hills. It is alleged that the petitioner along with other accused persons had illegally sold the children to others without following the procedures established in Law and Order and had made unlawful gain through illegal mains. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.



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

4. The learned Government Advocate (Crl.Side) submits that the alleged occurrence took place in the year 2019. He further submits that the petitioner absconded to Kerala and had not co-operated for the investigation. He further submits that Co-accused the enlarged on bail. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering that the alleged occurrence took place in the year 2019 and also considering that the co-accused enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner with the following conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Chief Judicial Magistrate, Namakkal 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 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 is directed to appear before the respondent police daily 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].



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A 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 CHIEF JUDICIAL MAGISTRATE
NAMAKKAL.[FOR INFORMATION]

2 THE DEPUTY SUPERINTENDENT OF POLICE,
CBCID NORTH NAMAKKAL,
NAMAKKAL DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges SR.NO.14132

CRL OP.23399/2021

Date :06/12/2021

RW 13/12/2021