



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2021

WEB COPY

CORAM:

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

Cr1.O.P.No.23546 of 2021

1.Deepa @ Deepa Venkatraman ... Petitioners/Accused No.2,3,4 & 7
2.Badri @ Badrinarayanan Desikan
3.Dikshitha
4.Shruthi

Vs.

State Represented by ... Respondent
The Inspector of Police,
Metro Wing-II,CBCID,
Egmore, Chennai - 8.
(Crime No.9 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on bail in the event on their arrest in Crime No.9 of 2021, on the file of the Inspector of Police, CBCID, Metro Wing-II, Chennai.

For petitioners : Mr.R.Vijayakumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 7 r/w 8, Section 9(i) r/w 10, Section 9(f) r/w 10, 11 (ii) r/w 12, Section 12 r/w 17, Section 10 r/w 17 POCSO Act, 77 Juvenile Justice Act, 2015, 354 A(2) of IPC, in Crime No.9 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainants are old students of Sushil Hari International School, Kelambakkam. The allegation is that the accused Siva Shankar Baba took the victims to a lounge and misbehaved with them. The petitioners have



assisted the accused to commit the crime. Hence, the law enforcing agency registered the case against the petitioners.

3. The learned counsel appearing for the petitioners submits that the petitioners informed the victim that Siva Shankar Baba is ready to clarify any kind of spiritual doubts and that the victim on her own volition approached the accused and the petitioners have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submits that the petitioners assisted the main accused Siva Shankar Baba to commit the crime. He further submits that the main accused Al/Siva Shankar Baba has already been arrested and investigation is not yet completed. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts of the case and on perusal of 164 Cr.P.C statements there is no direct allegation against these petitioners and the main accused Al/Siva Shankar Baba has already been arrested, this Court is inclined to grant anticipatory bail to the petitioners.

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 **Additional Mahila Court, Chengalpattu**, 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 **Additional Mahila Court, Chengalpattu** on further condition that:

(a) 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;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of four weeks and thereafter as and when required for interrogation.

© the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 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;

WEB COPY

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

-sd/-
07/12/2021

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 ADDITIONAL MAHILA COURT,
CHENGALPATTU.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CBCID, METRO WING - II,
CHENNAI.

+1 CC to M/S.R.VIJAYAKUMAR Advocate on payment of necessary charges SR.NO.14248

CRL OP.23546/2021

Date :07/12/2021

TA-09/12/2021