



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2021

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CORAM:

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

Cr1.O.P.No.24054 of 2021

Karuna @ Karunambigai

.. Petitioner

Vs.

State rep.by
Inspector of Police,
CBCID, Metro Wing-II,
Chennai
Crime No.10 of 2021.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of arrest in Crime No.10 of 2021 on the file of the Inspector of Police, CBCID, Metro Wing-II, Chennai.

For Petitioner : Mr.R.Vijaya Kumar

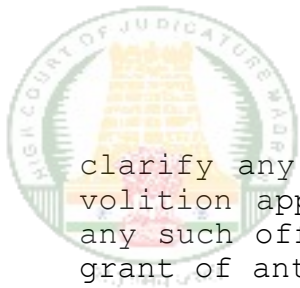
For Respondent : Mr.A.Gokula Krishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 8, 9(i), r/w 10, 9(f), r/w 10, 11(ii) r/w 12, 12 r/w 17, 10 r/w 17 of POCSO Act, 2012 and 77 of Juvenile Justice Care and Protection Act, 2015 and 354A(2) of IPC in Crime No.10 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant was a old student of Sushil Hari International School, Kelambakkam. The allegation is that the accused Siva Shankar Baba took the victim to a lounge and misbehaved with her. The petitioner has assisted the accused to commit the crime. Hence, the respondent registered the case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the petitioner 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 petitioner has not committed any such offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioner.

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4. The learned Additional Public Prosecutor submits that the petitioner 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 petitioner.

5. Considering the facts of the case and also considering the submissions made by both counsel and on perusal of FIR, there is no direct allegation against the petitioner and the main accused Al/Siva Shankar Baba has already been arrested, this Court is inclined to grant anticipatory bail to the petitioner.

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 Sessions Judge, (Exclusively for POCSO Act), Chengalpattu** on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** each, 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 report before the respondent police as and when required for interrogation;**

(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 has been imposed and the petitioner is 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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-sd/-
10/12/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE,
(EXCLUSIVELY FOR POCSO ACT)
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.14488

CRL OP.24054/2021

Date :10/12/2021

TA-14/12/2021