



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.24646 of 2021

WEB COPY

1. Amarnath
2. Asaithambi
3. Muniyamma

...Petitioners

Versus

The State rep by
The Inspector of Police
Pudhupalayam Police Station,
Thiruvannamalai District.
(Crime No.386 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.386 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.S.Kasirajan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 366A @ 376, 363, 366, 376, 109 IPC r/w 6 and 7 of POCSO Act, in Crime No.386 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a love affair between the first petitioner and minor victim girl. Further, the first petitioner had kidnapped the minor victim girl and sexual intercourse with her. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.



4.The learned Additional Public Prosecutor submitted that the statement under Section 164 of Cr.P.C has been recorded from the victim girl , after the victim girl has also been secured. He further submitted that the investigation is almost completed. However, he vehemently opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 learned Principle District Munsif cum Judicial Magistrate Court, Chengam, on condition that the petitioners shall execute a separate 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) if the petitioners fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioners 1 and 2 shall report before the respondent police on every Wednesday at 10.30 a.m., until further orders and the third shall report before the respondent police as and when required for interrogation.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;



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

-sd/-

22/12/2021

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 PRINCIPLE DISTRICT MUNSIF
CUM JUDICIAL MAGISTRATE COURT,
CHENGAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
PUDHUPALAYAM POLICE STATION,
TIRUVANNAMALAI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.S.KASIRAJAN Advocate on payment of necessary charges
Sr.15402

CRL OP.24646/2021

Date :22/12/2021

RVR 28/12/2021