



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24572 of 2021

Selvam

... Petitioner

Versus

State represented by
The Inspector of Police,
All Women Police Station,
Krishnagiri.
(Crime No.6 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of arrest in Crime No.6 of 2021 by the respondent police.

For Petitioner : Mr.P.Settu

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 363, 366(A) of IPC, Sections 5(1), 6 of POCSO Act, 2012 in Crime No.6 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 18.04.2021 the defacto complainant had lodged a complaint that she is residing in the complaint mentioned address and her husband is a farmer. She is having one daughter Gowri (16) and one son Devendran (14). Her daughter studying 12th standard at Government Higher Secondary School, Moranaalli and her date of birth is 07.08.2004. On 10.04.2021 while she was in the bus stop to catch the bus and attend the school, at the time both the accused had abducted the victim and the same was intimated by one Sankar to the defacto complainant. Therefore the



defacto complainant and her relatives searched various places, but they were not able to find out the victim. Hence, the complaint.

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 164 statement recorded and 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 Additional Mahila Court, Krishnagiri, 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 respondent police on every Saturday at 10.30 a.m. until further orders and the petitioner shall not have any communication with the victim girl;

(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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-sd/-
16/12/2021

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
KRISHNAGIRI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KRISHNAGIRI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.P.SETTU Advocate on payment of necessary charges
SR.NO.14958

CRL OP.24572/2021

Date :16/12/2021

JPA 21/12/2021