

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.Nos.25157 & 25160 of 2021

Karuna @ R.Karunambigai

... Petitioners in Crl.O.P.No.25157 of 2021

Deepa @ Deepa Venkatraman

... Petitioners in Crl.O.P.No.25160 of 2021

Versus

State Rep by
The Inspector of Police,
CBCID,OCU -II,
Chennai.
(Crime No.4 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in the event of their arrest in Crime No.4 of 2021 pending investigation on the file of the respondent police.

For Petitioners : Mr.R.Vijayakumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioners in both Crl.Ops, who apprehend arrest at the hands of the respondent police for the alleged offences under section 376, 366-A, 506(i) IPC, Section 5(f), 5(I), 9(I), 6, 10, 17 of the Protection of Children from Sexual Offences Act, in Crime No.4 of 2021 seeks anticipatory bail.

2.The case of the prosecution in both Crl.Ops 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 petitioners had assisted the accused to commit the crime. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency.

3.The learned Counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and further co-accused released on bail. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submits that the alleged occurrence is said to be happened in the year 2013 and now the school has been closed. He further submits that the victim girl is now 24 years old and she also completed the studies. He also submits that already this Court granted anticipatory bail to the petitioners and the main accused had already been arrested. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court inclined to grant anticipatory bail to the petitioners with the following conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance before the Additional Mahila Court, Chengalpattu on condition that the petitioners shall execute a bond for 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 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 petitioner/A5 shall report before the respondent police on every Wednesday and the petitioner/A4 shall report before the respondent police as and required.

(c)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;

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

-sd/-
23/12/2021

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,
CHENGALPET.

2 THE INSPECTOR OF POLICE,
CBCID OCU-II, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2 CC to M/S R.VIJAYAKUMAR Advocate on payment of necessary charges SR.NOs.15504 & 15505

CRL OP.25157/2021

Date :23/12/2021

JPA 30/12/2021