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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

CORAM :

THE HON'BLE MR. JUSTICE B. PUGALENDHI

Crl.O.P.No.25853 of 2021

Balaji

... Petitioner

Vs.

The Inspector of Police,
All Women Police Station,
W-33, Madhavaram.
(Crime No.29 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, 1973, praying to enlarge the petitioner on bail in the event of arrest at the hands of the respondent in Crime No.29 of 2021, pending on the file of All Women Police Station, Madhavaram.

For Petitioner : Ms.K.Udayaselvi

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police, for the offences punishable under Sections 107, 120B, 328, 376, 506(ii), of IPC and 5(f)(u) r/w 6, 11(5) r/w 12, 17 of POCSO Act 2012 in Crime No.29 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant had been sexually assaulted by one Sathya Narayanan at Lord Sai Baba Temple at Vinayagapuram and due to the same, she became pregnant and having a baby aged one year. Hence, the complaint.



3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner is one among them. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submits that the petitioner is working under the main accused/A1 and A2 and he is doing all the works in Sakthi Peetam, Sai Baba Temple, as per the instructions of A1 and A2. For the occurrence took place in the year 2016, a complaint has been lodged in the year 2021. Thus, the defacto complainant has been sexually abused by this petitioner and others in the year 2016. Hence, she opposed to grant anticipatory bail.

5. Considering the facts and circumstances of the case and the age of the defacto complainant and that the complaint has been lodged belatedly after four years, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the Criminal Original Petition is allowed. 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 Judge, Mahila Court, Thiruvallur, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 a.m. until further orders.

[c]the petitioner shall not tamper with the 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 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].



[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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29/12/2021

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 MAHILA COURT,
THIRUVALLUR.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, W-33, MADHAVARAM,

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.K.UDAYASELVI Advocate on payment of necessary charges SR.NO.15649

CRL OP.25853/2021

Date :29/12/2021

JPA 30/12/2021