



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3471 of 2021

Deivendran

... Petitioner/Accused No.2

Vs

State Represented by.
The Inspector of Police,
Kariapatti Police Station,
Virudhunagar District.
Crime No. 22 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.Prabhu,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.22 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 363 of IPC r/w. 5(1), 6, 16 and 17 of POCSO Act 2012, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A-1 said to have kidnapped the victim from her house and after kidnapping, they were staying in the petitioner's house, where A-1 had sexual intercourse with the victim. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case.

4.The learned Government Advocate(Crl.Side) appearing for the respondent submitted the 164 Cr.P.C statement of the victim girl, wherein she has stated that she had left her parental home on her own wish and A-1 and the petitioner herein have not kidnapped the victim girl.



5.I have perused the statements of the victim girl.

6.Taking note of the above facts and circumstances of the case and also taking note of the statement of the victim girl, that the petitioner and A-1 have not kidnapped the victim girl and also the fact that A-1 and the victim girl was in love with each other for a period four years, when the same was objected by the victim's family, the victim had left her parental home on her own wish and stayed in the petitioner's house and except this allegation, no overt act has been attributed against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Sessions Judge, Special Court (POCSO Act) Srivilliputhur, Virudhunagar District, 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 to 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 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 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 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.

sd/-
05/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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- TO
- 1.THE SESSIONS JDUGE, SPECIAL COURT(POCSO ACT),
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.
 - 2.THE INSPECTOR OF POLICE,
KARIAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.3471 of 2021
Date :05/03/2021

sjj
PK/JC/SAR-IV/11.03.2021 : 3P/4C