



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30.09.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.14530 of 2021

1.Rajesh
2.Vicky @ Vicknesh ... Petitioners/Accused No.2 and 3

Vs

State Rep. by
The Inspector of Police,
Manamadurai All Women Police Station,
Manamadurai, Sivagangai District.
in Crime No.17 of 2020 ... Respondent/Complainant

For Petitioners : Mr.R.Venkatesan
Advocate.
For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor

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

PRAYER :-For Anticipatory Bail in Crime No.17 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 3 and 4 of Protection of Children from Sexual Offences Act, 2012 @ Section 366 of IPC and Sections 4 and 17 of Protection of Children from Sexual Offences Act, 2012 in Crime No.17 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The allegation against the petitioners is that they helped A1 to kidnap the victim girl.

3.The learned counsel for the petitioners submits that the petitioners are innocents, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent submits that after completing investigation, the final report has been filed Special Court for Exclusive Trial of Cases under the POCSO Act 2012, Sivagangai and the same was taken on file in Crime No.17 of 2021.



5.Considering the submission made by the learned Government Advocate(Crl.Side) that the investigation in Crime No.17 of 2020 on the file of the respondent police is completed, final report is filed and the same is taken on file in Spl.S.C.No.18 of 2021 by the Special Court for Exclusive Trial of Cases under the POCSO Act 2012, Sivagangai, this Court is inclined to grant Anticipatory Bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court for Exclusive Trial of Cases under the POCSO Act 2012, Sivagangai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Special Judge concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Special Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(c)the petitioners shall not tamper with the 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 Special Judge/ 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 Special Judge /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/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/09/2021

/ 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.

TO

- 1 THE SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER THE POCSO ACT 2012, SIVAGANGAI.
- 2 THE INSPECTOR OF POLICE
MANAMADURAI ALL WOMEN POLICE STATION,
MANAMADURAI, SIVAGANGAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14530 of 2021
Date :30/09/2021

KMM
MK/SKN/SAR.I/20.10.2021/3P/4C