



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.1452 of 2022

1.Gopi
2.Prabakaran
3.Arul @ Arul Kumar

... Petitioners

Vs.

The State Represented by
Station House Officer,
All Women Police Station,
Thirukoilur,
Kallakurichi District.
(Crime No.15 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in crime No.15 of 2021, on the file of the respondent Police.

For Petitioners : Mr.G.Saravanabhavan

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 366, 506(i) of IPC r/w 5(g), 5(m), 6 of POCSO Act, 2012, in Crime No.15 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and Al kidnapped the victim child and committed rape. Hence the complaint.

3. The learned counsel for the petitioners would submit that there was a election dispute between two groups. The victim girl is one of the family members child and earlier the opposite group of the petitioners had stolen the mobile and the same was warned by the petitioners and the opposite group sought apologies from them at the public place. Hence, the defacto complainant and others had a



vengeance and made false allegation and false complaint as against the petitioners and this incident was preplanned by the defacto complainant and others with the help of the victim and hence, this case against the petitioners has been filed.

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4. The learned Additional Public Prosecutor submits that the investigation is almost completed and section 164 Cr.P.C. statement was recorded.

5. Considering the facts and circumstances of the case and also the submissions made by both counsel and that the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the Sessions Judge Special Court for Exclusive Trial of Cases under POCSO Act, Villupuram, 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 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 petitioners shall report before the respondent police every Monday and Wednesday at 10.30 a.m., for a period of four weeks and thereafter as and when required for an interrogation;

(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 has 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.

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-sd/-
01/02/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, VILLUPURAM.

2 THE STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION,
THIRUKOILUR, KALLAKURUCHI DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.KARTHIK Advocate on payment of necessary charges

CRL OP.1452/2022

Date :01/02/2022

JPA 10/02/2022