



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Seventh day of February Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon'ble Mr Justice R. PONGIAPPAN
CRIMINAL ORIGINAL PETITION No.2704 of 2022

RAVI

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVALLUR,
THIRUVALLUR DISTRICT.
CR NO.66/2021.

[RESPONDENT]

For Petitioner : M/S.R.PARTHIBAN Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Section 363, 366 of IPC and Section 6 r/w 5 of POCSO Act, 2012, in Crime No.66 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a love affair between the first accused and the victim girl and thereafter, the first accused had kidnapped the victim girl and got married. Further, the victim girl stayed in the house of the petitioner. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that in the alleged occurrence, the petitioner is not having any direct involvement with the defacto complainant and the first accused. Further, believing the words of the defacto complainant's daughter, the petitioner had arranged a house for them. This clearly shows he has not having any intention to commit offence. He further submits that the petitioner name was not mentioned in FIR. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate(Crl.side) appearing for the respondent police fairly conceded that the petitioner had given shelter to the victim girl, other than, he has not participated in the alleged occurrence. He further submits that A1 was arrested and other accused were still absconding. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.The submission made by the learned counsel on either side is considered.

6. On perusal of the records, it shows that during the time of occurrence, the victim girl was aged about 16 years. After performing her marriage in Manakula Vinayagar Temple, Puducherry, they met the petitioner and asked shelter for their convenient stay. Only the request made by the first accused and the defacto complainant's daughter, the petitioner has been complied. In otherwise, the petitioner has having the knowledge about the marriage of the defacto complainant has to be verified only during the time of trial. Hence, custodial interrogation may not be necessary to complete the investigation.

7. Considering the above facts and circumstances of the case that already the first accused was arrested, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days before the learned Mahila Court, Thiruvallur, 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 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 Aadhar card or Bank pass Book to ensure their identity.

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

[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].

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

-sd/-

07/02/2022

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,
THIRUVALLUR,
THIRUVALLUR DISTRICT.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.R.PARTHIBAN Advocate on payment of necessary
charges SR.NO.2121

CRL OP.2704/2022

Date :07/02/2022

INBA~11/02/2022