



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

Monday, the Fourteenth day of March Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN
CRIMINAL ORIGINAL PETITION No.5879 of 2022

R.KRISHNASAMY @ PERIYA THAMBI

[PETITIONER / ACCUSED]

Vs

INSPECTOR OF POLICE
SHOLURMATTAM POLICE STATION,
UDAGAMANDALAM,
NILGIRIS DISTRICT
(CRIME NO.49/2021)

[RESPONDENT]

For Petitioner : M/S.T.P.MARIMUTHU 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 on the complaint of girl missing later altered for the alleged offences punishable under Sections r/w 5(1) & 6 of Protection of Child from Sexual Offences Act, 2012 in Crime No.49 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The defacto complainant is the mother of the girl. The petitioner herein claims that he is innocent and in any event the missing girl is not a minor but a major and her date of birth is 10.07.2001. The Aadhar card of the missing girl is also furnished. The 164 statement of the victim was also recorded.

3. In the light of the fact that nothing serious incriminating the petitioner being said by the victim girl, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

4. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of seven days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate, Kothagiri on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner and the sureties shall affix his 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;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall report before the Investigating Officer daily at 10.30 am, until further orders;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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 has 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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

14/03/2022

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 JUDICIAL MAGISTRATE,
KOTHAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
NILGIRIS (FOR INFORMATION)

3 INSPECTOR OF POLICE
SHOLURMATTAM POLICE STATION,
UDAGAMANDALAM,
NILGIRIS DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.T.P.MARIMUTHU Advocate on payment of necessary
charges Sr.3952

CRL OP.5879/2022

Date :14/03/2022

RVR 21/03/2022