



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Third day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6041 of 2022

G.SURESH

[PETITIONER / ACCUSED]

Vs

UNION TERRITORY OF PUDUCHERRY
THE STATION HOUSE OFFICE (SHO),
ORLEANPET POLICE STATION,
PUDUCHERRY.
(CRIME NO.170/2021)

[RESPONDENT]

For Petitioner : MR.PRAKASH ADIYAPATHAM FOR M/S M.KANNAN Advocate

For Respondent : MR. V.BALAMURUGANE, Public Prosecutor for Puducherry

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 offence punishable under Sections 16, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012 and 370 (4), 370-A and 366-A of IPC and Section 5(1)(d)(ii), 6(2A) of Immoral Traffic (Prevention) Act, 2012 in Crime No.170 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner herein is suspected to be one of the accused in a case where minor girl is engaged in flesh play under the garb of Spa and Beauty Parlour. Hence, the complaint.

3. The learned counsel for the petitioner has submitted that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the respondent police suspected this petitioner based on the customers details recovered from the owner of the Spa by name Sunitha who is arrayed as A1. Apart from that, this Court could not find any other incriminating material against this petitioner. Hence, he prays to grant anticipatory bail to the petitioner.



4. The learned Public Prosecutor (Puducherry) has submitted that unless the petitioner is taken into custody and identification parade is conducted, it is difficult to ascertain the role of this petitioner to define the prima facie material available to show that he is one of the customers of A1 and one among 18 persons who had penetrated sexual intercourse with the victim minor girl.

5. Considering the facts and circumstances of the case and the submissions made by both counsel, this Court is of the view that the Phone Number available in the Spa that will perse not be an inference that the petitioner had committed any crime as alleged in the FIR. However, if the respondent is able to collect any part of material incriminating the petitioner herein, it is always open to him to proceed. Further in order to establish the innocence of the petitioner, it is necessary for him to co-operate with the investigation. This Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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-II, Puducherry 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 learned Magistrate concerned and on further conditions that:

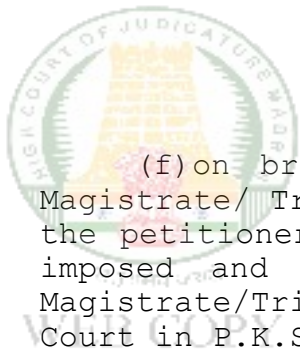
(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner and the sureties shall affix 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;

(c) the petitioner shall report before the Investigation Officer daily at 10.30 a.m., until further orders and co-operate with the investigation;

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

(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 have been imposed and the petitioner is 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/-

23/03/2022

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-II,
PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION]

3 THE STATION HOUSE OFFICE (SHO),
ORLEANPET POLICE STATION,
PUDUCHERRY.

4 THE PUBLIC PROSECUTOR
PUDUCHERRY.

+1CC to M/S M.KANNAN Advocate on payment of necessary charges
SR.No.4483

CRL OP.6041/2022

Date :23/03/2022

CSK 25/03/2022