



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fifth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7885 of 2022

1 SUNDAR [PETITIONERS / ACCUSED]
2 GRACE CHRISTIAN
3 M.HANNAH
4 SELINA EDISION
5 MANITHAI UGEINA

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
PALLIKARANAI POLICE STATION,
CHENNAI
(CRIME NO.112/2022)

For Petitioner : M/S S.ARIVAZHAGAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for an offence punishable under Sections 376 and 406 of IPC in Crime No.112 of 2022 on the file of the respondent police, seek anticipatory bail.

2. Heard, the learned counsel for the petitioners and the learned Government Advocate (Crl. Side).

3. Based on the complaint given by the defacto complainant, case has been registered against these petitioners and one Andrews Caldwell for an offence under Section 376 and 406 of IPC. During the course of the investigation, the said Andrews Caldwell who is the



prime accused in this case has approached this Court for seeking bail. This Court also granted bail to said Andrews based on the material collected by Investigating Officer at the point of time. Subsequently, the police has recorded 164 statement of the victim lady, wherein she has stated how she has been cheated by the said Andrews and subjected to penetrative sexual offence and overt act of the other accused, particularly, the first petitioner Sundar has molested her modesty in the presence of others.

4. Taking note of the fact that the subsequent development in the investigation, this Court is of the view that the first petitioner Sundar has to be secured and custodial interrogation of Sundar is necessary. In such circumstances, this Court is not inclined to grant anticipatory bail to the first petitioner/Sundar. With regard to the other accused persons there is no serious overt act against them. Hence, this Court is inclined to grant anticipatory bail to petitioners 2 to 5 who are arrayed as accused 3 to 6 in the FIR.

5. Accordingly, the petitioners 2 to 5 are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-II, Alandur, Chennai on condition that the petitioners shall execute separate bonds 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 Magistrate concerned and on further conditions that:

(a) if the petitioners 2 to 5 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 petitioners 2 to 5 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 petitioners 2 to 5 shall report before the Investigating Officer daily at 10.30 a.m., until further orders;

(d) the petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 2 to 5 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 petitioners 2 to 5 in accordance with law as if the



conditions have been imposed and the petitioners 2 to 5 are 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

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

7. With the above directions, this Criminal Original Petition in respect of the 1st petitioner stands dismissed. The Criminal Original Petition in respect of the the 2nd , 3rd, 4th and 5th petitioners stands ordered.

-sd/-

05/04/2022

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,
NO.II, ALANDUR, CHENNAI.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
PALLIKARANAI POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S S.ARIVAZHAGAN Advocate on payment of necessary charges SR.NO. 5196

CRL OP.7885/2022

Date :05/04/2022

RW 12/04/2022