



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Sixth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.9483 of 2022

1 NAGALAKSHMI
2 SURENTHIRAN

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
NANGAVALLI POLICE STATION,
SALEM DISTRICT
CRIME NO.99 OF 2022.

[RESPONDENT]

For Petitioners : M/S.M.SENTHILKUMAR 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 petitioners herein, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 448 & 363 of IPC @ 448 & 363 of IPC and Sections 5(1) and 6 of Protection of Children from Sexual Offences Act, in Crime No.99 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The petitioners are mother and brother of the prime accused against whom the offence of sexual harassment on a minor girl has been alleged. The prosecution has recorded the 164 statement of the victim girl. The de facto complainant is the grand mother of the victim girl, who has alleged that the 1st petitioner, her elder son Pavithran and minor son Surenthiran/ 3rd petitioner herein forcibly entered into the house of the de facto complainant and kidnapped the minor girl aged about 16 years. Whereas the 164 statement of the minor girl indicates that she went with the petitioners on her own.



3. Considering the nature of the allegation and the statement of the victim, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners 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 Special Court Exclusive Trial of Cases under POCSO Act, Salem, on condition that each of the petitioners shall execute a separate 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 petitioners 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 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 shall report before the Investigating Officer daily at 10.30 a.m., until further orders;

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

(e) the petitioners 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 in accordance with law as if the conditions have 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;

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

-sd/-

26/04/2022

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 SPECIAL COURT EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT, SALEM.

2 THE INSPECTOR OF POLICE,
NANGAVALLI POLICE STATION,
SALEM DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.9483/2022

Date :26/04/2022

JPA 02/05/2022