



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11914 of 2022

V.RAJA

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
VETAVALAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.
CRIME NO. 197 OF 2014.

[RESPONDENT]

For Petitioner : M/S.C.PREM KUMAR Advocate

For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

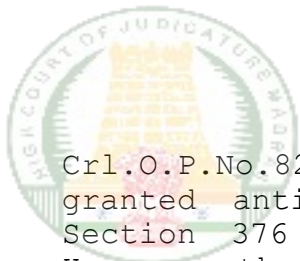
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 363, 366 (A), 376 & 342 of IPC r/w Sections 4 & 8 of the POCSO Act, in Crime No.197 of 2014, seeks anticipatory bail.

2. The case of the prosecution is that the first accused one Prabu fell in love with the victim girl and had physical relationship, thereafter he refused to marry her and left the victim in lurch. It is further alleged that the petitioner helped the first accused to commit the offence. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. As far as the petitioner is concerned, he is the friend of the first accused and his name is not found in the First Information Report. He further submits that the petitioner already approached this Court for anticipatory bail in



Crl.O.P.No.8205 of 2015 and this Court by an order dated 01.04.2015 granted anticipatory bail on the ground that the offence under Section 376 of IPC is not attracted as against the petitioner. However, the petitioner could not be able to execute the sureties as directed by this Court, and now he apprehends arrest at the hands of the respondent police. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner assisted the first accused to commit the offence as against the victim girl. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case and also considering the fact that earlier this Court granted anticipatory bail to the petitioner, this Court is inclined to grant anticipatory bail to the petitioners 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 fifteen days from the date on which the order copy made ready, before the POCSSO Court, Tiruvannamalai, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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., for a period of two weeks and thereafter as and when required for interrogation.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-

19/05/2022

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 POCSO COURT,
TIRUVANNAMALAI.

3 THE INSPECTOR OF POLICE
VETVALAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.C.PREM KUMAR Advocate on payment of necessary charges SR.NO. 7499

CRL OP.11914/2022

Date :19/05/2022

RW-25/05/2022