



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Fourteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.13564 of 2022

THIRUMAL

[PETITIONER / ACCUSED]

Vs

UNION TERRITORY OF PUDUCHERRY REP BY, [RESPONDENT]
THE STATION HOUSE OFFICER (SHO),
ORLEANPET POLICE STATION,
PUDUCHERRY.
(CR NO.170/2021).

For Petitioner : M/S.A.PRAKASH ADIAPADAM, Advocate

For Respondent : MR.V.BALAMURUGANE, Additional 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 for the alleged offence under Sections 16, 6 and 8 of Protection of Children from Sexual Offences Act, 2012 and Sections 370(4), 370(A), 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 petitioner is one of the suspect in the case registered by the respondent police for the offences under sections 16, 6 and 8 of Protection of Children from Sexual Offences Act, 2012 and Sections 370(4), 370(A), 366-A of IPC in Crime No.170 of 2021. When the petitioner moved this court earlier for anticipatory bail, on perusing the CD file, his request for anticipatory bail was dismissed twice first on 26.04.2022 in CrI.O.P.No.6402 of 2022 and the second anticipatory bail in CrI.O.P.No.11896 of 2022 on 19.05.2022.



3. Learned Public Prosecutor for the respondent states that the investigation is almost completed and this petitioner has been identified by the victim girl from the whatsapp photo.

4. Considering the fact that till date, the respondent police has not arrested the petitioner and therefore, the apprehension of the petitioner likely to be arrested in this case does not carry any merit. However, in order to enable the investigating agency to complete the investigation and file final report, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned **Principal District Judge, (Special Judge for POCSO Act), 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) 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;

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

(c) **the petitioner shall report before the Investigating Officer at 10.30 a.m. until further orders;**

(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 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;



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

-sd/-

14/06/2022

WEB COPY

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 PRINCIPAL DISTRICT
JUDGE (SPECIAL JUDGE FOR POCSO ACT)
PUDUCHERRY.

2 THE PUBLIC PROSECUTOR
PUDUCHERRY.

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

+1 CC to M/S.A.PRAKASH ADIAPADAM, Advocate on payment of
necessary charges SR.NO.9043

CRL OP.13564/2022

Date :14/06/2022

TA-20/06/2022