



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K.ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.13866 of 2022

NEETHIMANAN

[PETITIONER /ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
AVINANKUDI POLICE STATION,
CUDDALORE DISTRICT.
CRIME NO.138 OF 2022.

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S.M.VELMURUGAN, Advocate

For Respondent : MR.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 for the alleged offence under Section 366 IPC @ 7, 8 & 17 of POCSO Act in Crime No.138 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. There are totally four accused in this case, in which the petitioner is arrayed as A2. The case of the prosecution is that the victim girl, who aged about 17 years eloped with accused/A1. The petitioner is alleged to have helped A1 and hence the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that accused/A1 was granted anticipatory bail by this Court. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner is alleged to have helped A1 to elope with the victim girl, who aged about 17 years. The statement



of the victim girl has also been recorded under Section 164(2) Cr.P.C. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

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5. A perusal of the statement of the victim under Section 164(2) Cr.P.C reveals that the victim girl on her own volition eloped with A1, as such the custodial interrogation of the petitioner does not require in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the Special Court for POCSO Cases, Cuddalore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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 blood related 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 three 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
16/06/2022

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This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL COURT FOR POCSO CASES,
CUDDALORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
AVINANKUDI POLICE STATION,
CUDDALORE DISTRICT.

+1 CC to M/S.M.VELMURUGAN, Advocate on payment of necessary charges SR.NO.9256

CRL OP.13866/2022

Date :16/06/2022

TA-22/06/2022