



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25284 of 2021

P. Yuvaraj

.. Petitioner

Vs.

The State represented by
The Inspector of Police
Kadathoor Police Station
Erode District
Cr.No.280 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on anticipatory bail in the event of
his arrest in Cr.No.280 of 2021 pending investigation on the file of
the respondent police.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
366 @ 5L, 6 of Protection of Children from Sexual Offences Act in
Crime No.280 of 2021, on the file of the respondent police, seeks
anticipatory bail.

2.The case of the prosecution is that the defacto complainant's
daughter aged about 17 years was kidnapped by A1 who is the
petitioner's friend and had committed penetrative sexual assault.
Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that
the petitioner's friend/A1 and the minor victim girl/defacto
complainant's daughter are lovers and the victim girl on her own
volition went along with the A1 and at that time, the petitioner had
accompanied with A1, apart from that, he was no way connected in this



case . Now the victim girl was secured by the respondent police. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor on instructions submits that the investigation was almost completed. He further submits that the statement of the victim girl under Section 164 of Cr.P.C was recorded.

5. A perusal of FIR reveals that there was no serious allegations as against the petitioner.

6. Considering the submissions made by both counsel and the investigation was almost completed and also considering the fact that there is no serious allegations leveled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate-I, Gobichettipalayam 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall stay at Chidambaram and report before the Chidambaram Town police Station on every day at 10.30 a.m., for a period of four 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 has been imposed and the petitioner is 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/-
04/01/2022

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 JUDICIAL MAGISTRATE-I,
GOBICHETTIPALAYAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
ERODE DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
KADATHOOR POLICE STATION,
ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
CHIDAMBARAM TOWN POLICE STATION,
CHIDAMBARAM.

+1 CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary charges SR.NO.249

CRL OP.25284/2021

Date :04/01/2022

INBA-19/01/2022