



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24.01.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.961 of 2022

WEB COPY

Sundharraj

... Petitioner/Accused No.2

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Manaparai,
Trichy District.
(Crime No.221 of 2021)

... Respondent/Complainant

For Petitioner : Mr.A.Vadivel
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.221 of 2021 on the file of the Respondent police.

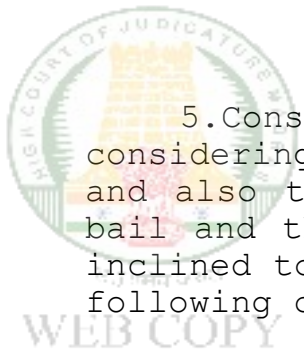
ORDER : The Court made the following order :-

The petitioner/A.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 363 IPC r/w Sections 11(4), 12 and 17 of POCSO Act, in Crime No.221 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner took the victim girl, who is aged about 16 years and send back to the first accused. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that even as per the FIR the petitioner only has taken the victim girl to bus stand and he has not accompanied with the first accused and the victim girl anywhere and that the first accused was already arrested and released on bail by the Sessions Judge, Mahila Court, Trichy, in Cr.M.P.No.762 of 2021 on 27.08.2021.

4.The learned Additional Public Prosecutor would submit that the investigation is almost completed. He would further submit that the victim girl is yet to be examined medically.



5.Considering the above facts and circumstances and also considering the nature of charges levelled against the petitioner and also the facts that the first accused was already released on bail and that the investigation is almost completed, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manaparai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar 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 one month and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with the 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]***; and;

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

sd/-

24/01/2022

/ TRUE COPY /

/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1.The Judicial Magistrate,
Manaparai.

2.Do Through The Chief Judicial Magistrate,
Trichy District.

3.The Inspector of Police,
All Women Police Station,
Manaparai,
Trichy District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.VADIVEL, Advocate (SR-408[I] dated 25/01/2022)

ORDER

IN

CRL OP(MD) No.961 of 2022

Date :24/01/2022

RS/VR/SAR.3(27.01.2022) 3P-6C