



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.05.2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice **T.V.THAMILSELVI**

CRL OP(MD) . No.9111 of 2022

Aruljothi

... Petitioner/Accused No.2

Vs

The State rep. by
The Inspector of Police,
Mathagupatti Police Station,
Sivagangai District.
(Crime No.208 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Prabhu Rajadurai.G.
Advocate.

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

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

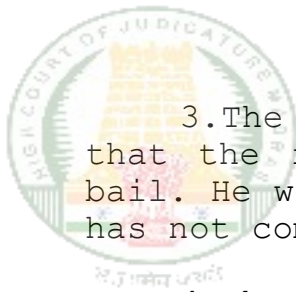
PRAYER :-

For Anticipatory Bail in Crime No.208/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 366(A) of IPC and Section 5(1) r/w 6 of POCSO Act 2012 and Section 9 of the Child Marriage Act, in Crime No.208 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 25.06.2021 at about 17.30 hours, the first accused kidnapped minor Krithika, aged about 17 years and took her to Vijayawada in Andhra Pradesh and had sexual intercourse with her. The girl was rescued on 18.07.2021. The allegation against the petitioner is that he abetted the kidnapping of the minor by the first accused.



3.The learned counsel appearing for the petitioner would submit that the first accused has already been arrested and released on bail. He would further submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor has strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that the main accused has already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5.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 Judicial Magistrate, Sivagangai, 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 Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police every Wednesday at 10.30 a.m until further orders.

[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]**.

sd/-

18/05/2022

/ TRUE COPY /

20/05/2022

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



TO

1 THE JUDICIAL MAGISTRATE,
SIVAGANGAI.

2 DO THROUGH:

THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
MATHAGUPATTI POLICE STATION,
SIVAGANGAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.PRABHURAJADURAI, Advocate (SR-4896[I] dated 20/05/2022)

ORDER

IN

CRL OP(MD) No.9111 of 2022

Date : 18/05/2022

PKP/SVR/SAR-2/20.05.2022/3P/6C