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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.06.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.10379 of 2022

Kumar

... Petitioner/Accused No.2

Vs

State represented through
The Inspector of Police,
Gangaikondan Police Station,
Tirunelveli District.
(Crime No.17 of 2022)

... Respondent/Complainant

For Petitioner : Mr.M.Prabu, Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2022 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 'Girl Missing' altered into Section 366 IPC and Sections 16, 17, 5(1) and 6 of POCSO Act, in Crime No.17 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first accused with the help of the petitioner and the third accused had kidnapped the victim girl, who is aged about 16 years, for the purpose of marrying her. Hence, the complaint.

3.No doubt, the earlier application for anticipatory bail filed by the petitioner and the third accused was dismissed as withdrawn by this Court in Crl.O.P.(MD)No.2898 of 2022 as against the petitioner concerned vide order dated 17.03.2022.



4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the third accused was granted anticipatory bail by this Court in Crl.O.P.(MD) No.2898 of 2022 vide order dated 17.03.2022 and that the first accused was already arrested and released on bail by the trial Court.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner is having five previous cases.

6.Considering the nature of charges levelled against the petitioner and also the facts that the first accused was already released on bail, that the third accused was granted anticipatory bail and that investigation might have been completed by this time, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 days from the date of receipt of a copy of this order, before the learned Special Court for POCSO Act Cases, Tirunelveli, 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 Sessions Judge 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 Sessions Judge 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 Sessions Judge/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 Sessions Judge/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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
13/06/2022

/ /2022
Sub-Assistant Registrar (C.S.I)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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 SPECIAL JUDGE FOR
POCSO ACT CASES, TIRUNELVELI.
2. THE INSPECTOR OF POLICE,
GANGAIKONDAN POLICE STATION,
TIRUNELVELI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.PRABU M Advocate SR.No.5538

ORDER
IN
CRL OP(MD) No.10379 of 2022
Date :13/06/2022

SP/PN/SAR I/17/06/2022/3P/5C