



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/03/2023

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PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.4112 of 2023

J.Selvison ... Petitioner/Accused No.4

Vs

The state rep.by
The Inspector of Police,
Thevarkulam Police Station,
Tenkasi District.
Crime No.221 of 2022.

... Respondent/Complainant

For Petitioner : R.J.Karthick,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.221 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 366 and 506(ii) of I.P.C. @ 147, 148, 366 and 506(ii) IPC and Sections 9(i)(1) and 10 of POCSO Act in Crime No.221 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Parvathy, is that the first accused along with his friends/other accused had come to her house in two two wheelers on 12.11.2022 at about 08.30 p.m. by threatening her and her husband with aruval, had kidnapped her minor daughter XXXX, who is aged about 14 years and hence, the case. During the course of investigation, it came to light that the main accused, in this case, one Manohar along with his friends had kidnapped her minor victim girl and taken her to Kerala and later, brought her back to Sankarankovil and left her in the road and the girl was secured by the police on rounds on 14.11.2022.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely roped in in this case since the de-facto complainant suspects that the petitioner is also the friend of the main accused one Mahohar. He would further submit that there was a love affair between the said Manohar/A1 and the daughter of the de-facto complainant and they eloped from the house, whereas, in order to secure the girl, the mother has given a false complaint, as if, the petitioner along with the main accused and three other friends have gone to the house of the de-facto complainant and kidnapped her minor daughter by threatening her and her husband with aruval. He would further submit that A1 has been



arrested and he has been released on bail. He would further submit that the petitioner also understands that a statement has been recorded from the victim girl under Section 164 of Cr.P.C., wherein, she has not specifically made a mention about the petitioner. Hence, he would seek for anticipatory bail.

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4.The learned Government Advocate (Crl. side) would submit that the petitioner is the friend of the main accused and he along with the other accused had gone to the house of the de-facto complainant by threatening her and her husband with aruval, they have kidnapped the minor girl. However, within two days of the occurrence, they have dropped the victim girl at Sankarankovil and the girl was secured. He would further submit that there is no allegation of sexual assault. However, considering the gravity of the offence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.Heard. Perused the materials available on record including the First Information Report as well as the statement recorded from the victim girl under Section 164 of Cr.P.C.

6.Taking into consideration of the facts and circumstances of the case, 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 on which the order copy made ready, before the learned Special Court for POCSO at Tirunelveli, 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, failing which, the petition for anticipatory bail shall stand dismissed 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 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 two weeks and thereafter, on every Saturday at 10.30 a.m., until further orders.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
02/03/2023

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



TO

1. The Special Court for POCSO at Tirunelveli.
2. The Inspector of Police,
Thevarkulam Police Station,
Tenkasi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP (MD) No.4112 of 2023
Date :02/03/2023

VA/RG/SAR-1/ (08.03.2023) /3P/4C