



Crl.O.P.No.30454 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.30454 of 2024

Santhosh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
AWPS Hosur Police Station,
Krishnagiri District.
(Crime No.50 of 2024).

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of BNSS, pleaded to enlarge the petitioner on bail in the event of his arrest in connection with Crime No.50 of 2024, on the file of the respondent.

For Petitioner : Mr.S.Kalaimani

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.50 of 2024 registered for the offences punishable under Sections 87, 49 of B.N.S Act and Section 5(1)



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r/w 6(1) of POCSO Act, the present petition has been filed seeking anticipatory bail.

2.Pleading innocence on the part of the petitioner, false implication in the case, learned counsel for the petitioner seeks indulgence of this Court. He further submits that the petitioner and the defacto complainant are neighbours and the victim girl was known to the petitioner for a long time and there was a love affair between them. Since the love affair came to be known to the parents of the victim girl, they had reprimanded her and the victim had come out of her house. The petitioner without understanding the consequence had taken her to Bangalore and later knowing about the registration of criminal case, had sent her back. He would further submit that earlier the victim girl had come along with the petitioner and the petitioner sent her back to her house now once again she had come out of her home. The parents and the entire family members of the petitioner were added as accused and the parents of the petitioner were arrested and released on bail. The petitioner is ready to co-operate for investigation and subject himself for medical examination.



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3.The case of the prosecution, as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, that based on the complaint given by one Ramamurthy that his minor daughter was missing. The case in Crime No.50 of 2024 registered under the caption girl missing. Later, during the course of investigation, it came to the light that the petitioner had abducted the minor daughter of the defacto complainant and committed penetrative sexual assault and assaulted her. He would further submit that the petitioner earlier abducted the victim girl and taken her to Bangalore and the girl was brought back and now, once again the petitioner had taken her.

4. Having heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, including the statement of the victim recorded under section 183 of BNSS, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions and accordingly, he 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-II, Hosur** 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



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like sum to the satisfaction of the respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] 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;

[c] the petitioner shall stay at Krishnagiri and report before the Krishnagiri Town Police Station everyday at 10.30 A.M., until further orders;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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];



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[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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To

- 1.The Judicial Magistrate-II,
Hosur.
- 2.The Inspector of Police,
AWPS Hosur Police Station,
Krishnagiri District.
- 3.The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA., J.

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