

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.3809 of 2019

M.MANIKANDAN

[PETITIONER / ACCUSED]

Vs

1 THE STATE OF TAMILNADU REP.BY [RESPONDENTS]
THE INSPECTOR OF POLICE,
R-11, ROYALA NAGAR POLICE STATION,
THIRUVALLUR DISTRICT.
CR.NO.38 OF 2019.

2 THE STATE OF TAMIL NADU REP.
BY, THE INSPECTOR OF POLICE,,
VADAPALANI ALL WOMEN POLICE STATION,
VADAPALANI, CHENNAI.
CR.NO.38 OF 2019

For Petitioner : M/S.S.ANIL SANDEEP Advocate

For Respondent : MRS.M.PRABHAVATHI ADDL.PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence publishable under Sections 363, 365 of IPC read with Section 4 of the POCSO Act, 2012 in Crime No.38 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that this petitioner had kidnapped the minor girl who was aged about 17 years and he had sexual intercourse with the said girl.

3.The learned Counsel for the petitioner submitted that there was a love affair between this petitioner and the victim girl. The victim girl on her own, came along with the petitioner and the petitioner did not kidnap the victim girl or forcibly had sexual intercourse with the victim girl. The learned Counsel further submitted that the petitioner has categorically stated even in the petition that he is willing to marry the victim girl, after she

attains majority.

4.The learned Additional Public Prosecutor submitted that there was a love affair between the petitioner and the victim girl. The learned Additional Public Prosecutor produced the 164 statement given by the victim girl wherein she categorically admitted that she has voluntarily gone along with the petitioner.

5.In view of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Mahila Sessions Court (Special Court for POCSO Cases) 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 Judge 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 learned Judge 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 as and when required for investigation.

[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] the petitioner shall marry the victim girl immediately after she attains majority, as per the undertaking given by the petitioner in the anticipatory bail petition failing which this Court will initiate contempt proceedings against the petitioner.

[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 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]**.

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
27/02/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE MAHILA SESSIONS COURT
(SPECIAL COURT FOR POCSO CASES),
CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
R-11, ROYALA NAGAR POLICE STATION,
THIRUVALLUR DISTRICT

4 THE INSPECTOR OF POLICE,,
VADAPALANI ALL WOMEN POLICE STATION,
VADAPALANI, CHENNAI.

+2 CC to M/S.S.ANIL SANDEEP Advocate on payment of necessary charges SR.NO. 4184

CRL OP.3809/2019

Date :27/02/2019

RD 01/03/2019