

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.12063 of 2020

S.Gajendiran

... Petitioner

Vs.

State Rep. By its
The Station House Officer,
All Women Police Station,
Arani, Tiruvannamalai District.
(Crime No.8 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.8 of 2020 on the file of the respondent police.

For Petitioners : Mr.V.Rajasekar

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 354A(i),
354-D of IPC, 1860, Sections 11(i), 11(iv) r/w Section 12 and Section
3(a) r/w Section 4 of Children from Sexual offences Act (POCSO Act)
2012 and Section 67-B of Information Technology Act 2000, in Crime
No.8 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant
Gajendiran stated that the petitioner had sexually assaulted his
minor daughter and taken the video and upload the videos in the
social media like facebook and whatsapp. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the
petitioner and the defacto complainant are relatives and that the
petitioner and the defacto complainant's daughter are in love with
each other and that it was objected to by the defacto complainant.
Further the defacto complainant is a drunker and he also harass his
daughter in respect of which the daughter had a complaint and it was
taken in CSR.No.157 of 2020 and enquiry was conducted and later the
victim was sent to her grandmother's house. He would also submit
that there is a dispute between the family members due to money
dispute. He would also submit that the victim was examined by the
Magistrate under Section 164 Cr.P.C and she has also given the

statement that she has love with the petitioner and the father has given a false complaint. He would further submit that the alleged victim has refused to go along with her father and she is kept in home. The petitioner is also intended to marry the girl after she attain majority. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner had taken videos and photos of the victim girl and uploaded the same in the Social media like facebook and whatsapp.

5. On perusal of the documents and considering the submissions made by the counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Arani, Tiruvannamalai 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., 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

04/09/2020

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 JUDICIAL MAGISTRATE,
ARANI, TIRUVANNAMALAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATION HOUSE OFFICER,
ALL WOMEN POLICE STATION ARANI,
TIRUVANNAMALAI

CC to M/S.V.RAJASEKAR Advocate on payment of necessary charges

CRL OP.12063/2020

Date :04/09/2020

RVR 23/09/2020

सत्यमेव जयते

WEB COPY