



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD).No.9492 of 2020

Arulselvan(Kuttiyan)

...Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Alangulam,
Tirunelveli District.
Crime No.4 of 2020.

... Respondent/Complainant

For Petitioner : Mr.V.Kathirvelu, Senior Counsel
for K.Prabhu, Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.4 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under sections 5(n), 6, 11(1) of Protection of Child from Sexual Offences Act, 2012 and 506(i) IPC, in Crime No.4 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner fell in love with the victim girl, who is aged about 17 years and it was opposed by the defacto complainant and her family. Subsequently, the petitioner had sexual intercourse with the victim girl and criminally intimidated her. Due to which, the victim attempted to commit suicide by consuming poison. Based on the complaint given by the mother of the victim, the present case has been registered.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner would submit that the petitioner and the victim girl fell in love with each other, it was opposed by the defacto complainant and her family members, the victim girl attempted to commit suicide by consuming poison and there is no allegation of sexual assault, as against the petitioner. He would further submit that the petitioner is an innocent person and he has been falsely implicated in this case and hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) would submit that victim girl is the minor, aged about 17 years. The petitioner had sexually assaulted the victim girl and also criminally intimidated her. Hence, the victim girl attempted to commit suicide by consuming poison. Based on the complaint given by her mother, the case was registered. He would further submit that the minor victim girl has also given a statement under Section 164(3) Cr.P.C.

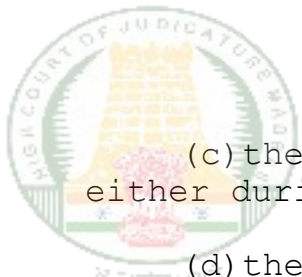
6. On perusal of the records including the statement of the victim girl given under Section 164(3) Cr.P.C. to the learned Judicial Magistrate, reveals the fact that both the petitioner and the victim loved each other, it was opposed by the victim's family and subsequently, further, the petitioner criminally intimidated the victim and therefore, the victim consumed poison, and recovered.

7. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tenkasi, 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 co-operate with the enquiry and report before the respondent police as and when required for interrogation.



(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]; and;

(f)if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/09/2020

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

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 JUDICIAL MAGISTRATE, TENKASI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ALANGULAM, TIRUNELVELI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9492 of 2020
Date :29/09/2020

VSD

<https://hccvjceprb.in/Services/2020/3P/5C>