



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9857 of 2020

S.SUTHEESH

... PETITIONER/ACCUSED NO.2

VS

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MARATHANDAM,
KANYAKUMARI DISTRICT.
(CRIME NO.17 OF 2020).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.M.R.Sreenivasan,
Advocate.

For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

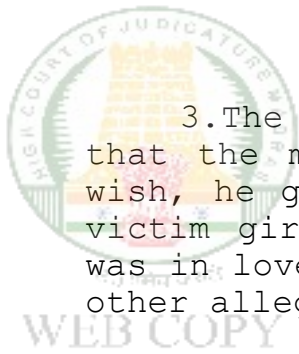
PRAYER :-

For Anticipatory Bail in Crime No.17 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 4, 17, 11(4) and 12 of POCSO Act, 2012, in Crime No.17 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is A-2. The allegation is that the de-facto complainant in this case, is a minor. She fell in love with the petitioner and against her wish, A-1 got married to the victim girl. Thereafter, A-1 also sexually assaulted the victim girl. Hence, the de-facto complainant given a complaint.



3.The learned counsel appearing for the petitioner would submit that the main allegation is only against A-1 and against her own wish, he got married to her and he has also sexually assaulted the victim girl. Insofar as this petitioner is concerned, earlier he was in love with the de-facto complainant and absolutely there is no other allegation levelled against this petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the victim girl is a minor. Based on the complaint given by the victim girl, the case has been registered. Now A-1 was arrested and released on bail.

5.Considering the facts and circumstances of the case and also the materials including the statement given by the victim girl under Section 164 of Cr.P.C., it is seen that the main allegation is only against A-1 and the petitioner earlier was in love with the victim girl and A-1 was already arrested and released on bail and there is no other allegation levelled against this petitioner, I am 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 four weeks from the date of receipt of a copy of this order, before the learned Special Sessions Judge, POCSO Special Court, Nagercoil, Kanyakumari District, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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 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

<https://hccservices.courts.gov.in/Cse/ShowCaseDetails.aspx?CaseNo=2020MD09857> **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560];** and;



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

sd/-
16/09/2020

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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 SPECIAL SESSIONS JUDGE,
POCSO SPECIAL COURT,
NAGERCOIL, KANYAKUMARI DISTRICT.

2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MARATHANDAM, KANYAKUMARI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.R.SREENIVASAN, Advocate (SR-6469[I] dated 17/09/2020)

ORDER
IN
CRL OP(MD) No.9857 of 2020
Date :16/09/2020

SJI
JM/JC/SAR II/21.09.2020/3P/5C