

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.2646 of 2021

Karthik

... Petitioner

Vs.

State of Tamilnadu

The Inspector of Police,
Sankari All Women Police Station,
Salem District.

(Crime No.11 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.11 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Senthilkumar

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence under Sections 5 (j) (ii) and 6 of POCSO Act 2012 and Section 9 of Child marriage act, 2005 in Crime No.11 of 2020 on the file of the respondent Police, seeks anticipatory bail.

2. The petitioner is the sole accused in this case. The allegation is that the petitioner kidnapped the minor victim girl and sexually assaulted her and thereby she became pregnant. Thereafter when the victim girl was admitted in the hospital for delivery, the hospital authorities found that the girl was only 15 years old. Based on the complainant given by the hospital authorities the case came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner without knowing the fact that the victim girl was a minor he married her and they are living together as husband and wife. Due to the wedlock a child was also born to them. Hence, he prays for grant of anticipatory bail to the petitioner.

4. Heard the learned Additional Public Prosecutor appearing for the respondent.

5. Considering the facts and circumstances of the case and also the fact that the case came to be registered on the complaint given by the hospital authorities and also considering the fact that the petitioner and defacto complainant are living together and a child was also born to them, 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 their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Special Court Exclusive trial of cases under POCSO Act, Salem 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his 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 Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

-sd/-
16/02/2021

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 SPECIAL COURT EXCLUSIVE
TRIAL OF CASES UNDER POCSO ACT, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SANKARI ALL WOMEN POLICE STATION,
SALEM DISTRICT.

+1CC to M/S.M.SENTHILKUMAR Advocate on payment of necessary
charges SR NO.1683

CRL OP.2646/2021

Date :16/02/2021

MK:24/02/2021

सत्यमेव जयते

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