

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE R.SUBRAMANIAN

Crl.O.P.No.9232 of 2021

S.Raja

... Petitioner

Vs.

The State rep. By
The Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District.
(Crime No.3 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in Crime No.3 of 2021 on the file of the respondent.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest pursuant to the First Information Report registered against him in Crime No.3 of 2021 on the file of the All Women Police Station, Pollachi under Sections 5(1), 5(j)(ii) r/w Section 6 of POCSO Act and Section 9 of Child Marriage Act, 2006, seeks anticipatory bail.

2.It is seen from the First Information Report that the victim girl had blamed one Udayakarathi for the offences under Section 5(1) and 6 of the POCSO Act and thereafter, she however, changed her stand against the petitioner under the very same provisions.

3.In view of the contradictory and conflicting stands taken by the victim girl, I am of the opinion that the petitioner is entitled to Anticipatory Bail subject to certain conditions. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the resumption of regular hearings, before the learned Special Court for Exclusive Trial of Cases under POCSO Act, Coimbatore subject to the following conditions:

(a) 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 Trial Court concerned, failing which, the petition for anticipatory bail shall stand dismissed;

(b) 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.

(c) the petitioner shall report before the respondent police as and when required for interrogation.

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(e) the petitioner shall not abscond either during investigation or trial.

(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 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]**.

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

4. With the above directions, anticipatory bail is granted and this Criminal Original Petition is ordered.

-sd/-

01/06/2021

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 FOR EXCLUSIVE TRIAL OF
CASES, UNDER POCSO ACT, COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POLLACHI,
COIMBATORE DISTRICT.

+1 CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary
charges SR.NO.6338

CRL OP.9232/2021

Date :01/06/2021

TA-23/06/2021



WEB COPY