



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.11242 of 2021

Nagaraj @ Nagarajan

...Petitioner

Versus

The State rep by the
The Inspector of Police,
All Women Police Station,
Villupuram District.
(Crime No.11 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.11 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Thirumoorthy

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

The petitioner, who apprehend arrest at the hands of the respondent police for the alleged offence under Section 8 of POCSO Act, 2012 in Crime No.11 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant viz. Manchu is that her elder daughter aged about 14 years is studying in Government High School, Manakuppam. While so, on 05.05.2021, at about 6.00 p.m., she went for nature's call and came back only around 7.00 p.m. When the defacto complainant enquired about the same, her daughter told her that the petitioner proposed love and also misbehaved with her. Hence, on the complaint, the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submits that the petitioner proposed love and also misbehaved with the daughter of the defacto complainant. He would further submit that the statement under section 164 Cr.PC. has been recorded from the victim girl. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

6.A perusal of the statement of the victim recorded under Section 164 Cr.P.C reveals that there is an allegation that the petitioner misbehaved with the victim, but the medical report coupled with the statement of the victim shows that except for such misbehavior, the petitioner has not indulged in any sexual act with the victim. In such circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

7.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 from the date of receipt of a copy of this order, before the Special Court for Exclusive trial of cases under Pocso Act at Villupuram 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 and on further condition that:

(a) if the petitioner fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 daily at 10.30 a.m., until further orders.

(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 petitioners 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;



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

-sd/-

12/07/2021

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 TRAIL OF CASES UNDER POCSO ACT,
VILLUPURAM

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, VILLUPURAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. R.THIRUMOORTHY Advocate on payment of necessary charges

CRL OP.11242/2021

Date :12/07/2021

APN 03/08/2021