



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.11404 of 2021

M.Suriya

... Petitioner

Versus

State rep by
The Inspector of Police,
All Women Police Station,
Harur,
Dharmapuri District.
(Crime No.6 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.6 of 2021 on the file of the respondent.

For Petitioner : Mr.J.Pradeep

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 5(1), (n) (j)(ii), r/w 6 of POCSO Act 2012, in Crime No.6 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant were loved each other. Thereafter, the petitioner had sexually intercourse with the defacto complainant and she becomes 6 months pregnant. Further, she consumed poison and admitted in the Dharmapuri Government hospital. Hence, the complaint.

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. He further submits that he has filed an affidavit of undertaking that he is ready to marry the defacto complainant. The affidavit of undertaking has been filed, which paragraphs 4 and 5 reads as follows:-



'' 4.The petitioner submits that the petitioner and the Defacto complainant are cousins. They loved each other and because of the love affair they had physical conduct and the defacto complainant has made to become 6 months pregnant.

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5. The Petitioner submits that the since the petitioner and Defacto complainant are cousins, the parents of the petitioner and De-facto complainant are taking steps to conduct marriage for them. The petitioner is ready to marry the defacto complainant, the defacto complainant is also always ready to marry the petitioner.

Under these circumstances, it is therefore prayed that this Hon'ble Court may be pleased to accept the affidavit and grant anticipatory bail to the petitioner and to pass such further or other orders as thi Hon'ble Court may deem fit and proper in the circumstances of the case and thu render justice.''

4.The learned Government Advocate (Crl.Side) submits that the petitioner and the defacto complainant were loved each other. Thereafter, the petitioner had sexually intercourse with the defacto complainant and she becomes 6 months pregnant. Further, she consumed poison and admitted in the Dharmapuri Government hospital. He further submits that the statement of the victim under Section 164 of Cr.P.C is recorded. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, and also considering the undertaking of affidavit filed by him stating that he is ready to marry the defacto complainant, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Harur, Dharmapuri District, 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. for a period of two weeks and thereafter 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]; and;

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

-sd/-
19/07/2021

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 JUDICIAL MAGISTRATE,
HARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
HARUR, DHARMAPURI DISTRICT.



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.J.PRADEEP Advocate on payment of necessary charges

CRL OP.11404/2021

Date :19/07/2021

JPA 27/07/2021