



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.12122 of 2021

A.Ameer Khan

..Petitioner

-Vs-

The State Rep. By
The Inspector of Police,
AWPS Police Station,
Vellore District.
(Cr.No.8 of 2021)

..Respondent

Prayer: Criminal Original petition filed under Section 438 of Cr.PC to enlarge the petitioner on bail in the event of his arrest in Crime No.8 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 376 IPC and 5(1)(r) read with Section 6 of Protection of Children from Sexual Offences Act in Crime No.8 of 2021 on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner alleged to have kidnapped the minor girl namely Parveen, who is aged about 17 years and committed sexual assault on her.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent and he has been nothing to do with the alleged offences and he had falsely implicated in this case and also the victim girl and the petitioner are in love with each other. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent submitted that the victim girl has been produced before the learned Judicial Magistrate-III, Vellore. The statement of the victim under Section 164(5) Cr.P.C has also been recorded. However, the learned Government Advocate vehemently opposed for grant of anticipatory bail to the petitioner.



5. A perusal of the statement under section 164(5) of Cr.P.C. of the victim reveals that the victim was in love with the petitioner for the past three years and the petitioner while coming to the house of the victim, with her consent, frequently had sexual intercourse with the victim, due to which, she got pregnant and delivered a baby. Thereafter, the petitioners mother demanded jewels from the victim's mother. Therefore, the victim's mother lodged a complaint before the respondent police. After taking treatment in the hospital, the victim girl and the petitioner went to the house of the victim and pacified the issue and they are living together in the victim's house.

5. Taking into consideration above statement of the victim and that the victim girl on her own volition, had sexual intercourse with the petitioner and has not stated any serious allegation in her statement as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

(a) 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 Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court) Vellore, 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:

(b) 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.

WEB COPY

-sd/-
14/07/2021

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 SESSIONS JUDGE, MAGALIR NEETHI MANDRAM
(FAST TRACK MAHILA COURT) VELLORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VELLORE,
VELLORE DISTRICT.

+1 CC to M/S.C.S.SARAVANAN Advocate on payment of necessary charges SR.NO.7441

CRL OP.12122/2021

Date :14/07/2021

TA-03/08/2021