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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.12201 of 2021

S.Jayabal

...Petitioner

Versus

State represented by
The Inspector of Police,
AWPS-Tiruvannamalai District.
(Crime No/24 of 2019)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in respect of Crime No.24 of 2019 on the file of respondent police.

For Petitioner : Mr.D.Suriyanarayanan

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

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 376(1) of IPC, Section 3(a), 4 5(1), 6,17 of Protection of Child From Sexual Act, 2012,, in Crime No.24 of 2019, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with the other accused persons have performed the marriage between A1 and the minor girl and A1 got married the minor girl. Further, A1 has made sexual intercourse with the minor girl. Hence, the complaint.

3.The learned counsel appearing for the petitioner submitted 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) submitted that the victim girl has been secured and 164 statement has also been recorded. He further submits that there is no previous case pending against the petitioner. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. This Court had perused the statement of the victim under Section 164 of Cr.P.C. which reveals that the victim, on her own volition went along with A1 and further, there is no specific overt act attributed against this petitioner and the victim girl has been secured, this Court is inclined to grant anticipatory bail to the petitioner.

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 Sessions Judge, POCSO, Tiruvannamalai, 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 failed 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 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 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.

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-sd/-

28/07/2021

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,
POCSO, TIRUVANNAMALAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
AWPS - TIRUVANNAMALAI DISTRICT.

CC to M/S D.SURIYANARAYANAN Advocate on payment of necessary charges Sr.7911

CRL OP.12201/2021

Date :28/07/2021

RVR 10/08/2021