



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Ninth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.13350 of 2021

HARI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
OOMARABAD POLICE STATION,
VELLORE DISTRICT.
(CR.NO.171/2021)

[RESPONDENT]

For Petitioner : M/S.M.KALAIYARASAN Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (CrI. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 366-A of IPC r/w 6 of Protection of Children from Sexual Offence Act in Crime No.171 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the petitioner has kidnapped the defacto complainant's daughter who is a minor girl aged about 17 years and he was committed penetrative sexual assault. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits 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 the petitioner and the victim are loving each other and the petitioner is ready to marry the victim once attains majority. Hence, he prays for the grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl.Side) submits that there was a love affair between the petitioner and the defacto complainant's daughter and at the time of occurrence, the defacto complainant's daughter was aged about 17 years. He further submits that the statement u/s 164 Cr.P.C. has been recorded from the daughter of the defacto complainant.

5. Heard both sides and perused the records including the statement recorded u/s.164 of Cr.P.C. from the victim.

6. On a perusal of the statement recorded u/s.164 Cr.P.C. from the victim girl, it is seen that the petitioner was in love with the victim girl and he had committed penetrative sexual assault on her and the petitioner is ready to marry the victim once attains majority. The issue being a love affair between the petitioner and the defacto complainant's daughter which has led to the filing of the complaint, 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 *learned Judicial Magistrate, Ambur* 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) 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;

(b) 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.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) 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;

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

-sd/-

09/08/2021

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,
AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
OOMARABAD POLICE STATION,
VELLORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.KALAIYARASAN Advocate on payment of necessary charges SR.NO. 8269

CRL OP.13350/2021

Date :09/08/2021

CSK 24/08/2021