



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Monday, the Sixteenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.13952 of 2021

DAVARAJ

[PETITIONER / ACCUSED]

Vs

STATE REP BY
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POLUR, THIRUVANNAMALAI DISTRICT.
(CRIME NO.4/2021)

[RESPONDENT]

For Petitioner : M/S R.RAMESH Advocate

For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. 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 for the alleged offence under Sections 363, 366-A IPC, 5(i)(ii), 5(1), 6 and 17 of POCSO Act, 2012 in Crime No.4 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner's son fell in love with the minor victim girl/defacto complainant's daughter, who is aged about 15 years and compelled her to have sex with him and took her to his house and sexually assaulted the victim girl and refused to marry her and she has become pregnant. Hence the law enforcing agency registered a case against the petitioner.

3.The learned counsel appearing for the petitioner submits that the victim girl, on her own volition, came out of the house to marry the petitioner's son as she was in love with him. The petitioner is in no way connected with the offence as alleged by the prosecution and that he has been falsely implicated in the case. However he further submits that now the petitioner's son is ready and willing to



marry the victim girl after she attains majority. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate appearing for the respondent submits that the petitioner's son had kidnapped the minor victim girl, who is aged 15 years and under the guise of marrying her, had sexually assaulted her and the defacto complainant's daughter has become pregnant. He further submits that the statement of the victim u/s 164 Cr.P.C. was recorded and the investigation is almost completed. He further submits that this court has already granted bail to the co-accused/petitioner's son in CrI.OP.No.12424 of 2021 dated 28.07.2021.

5. Considered the submissions made on either side and also perused the materials available on records carefully, including the statement of the victim u/s 164 Cr.P.C.

6. On a perusal of the statements of the victim girl recorded under section 164 of Cr.P.C., it reveals that the victim girl and the petitioner's son were in love with each other and the petitioner's son had also promised to marry the victim girl and that the petitioner's son had gone to the house of the victim and took her to his house and she went on her own volition and the defacto complainant's daughter has become pregnant. It is further evident from the records that this court has already granted bail to the co-accused/petitioner's son. In such circumstances, there being no direct allegation against the petitioner by the victim and the co-accused having already been enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

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, Polur 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/-
16/08/2021

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,
POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
TIRUVANNAMALAI DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POLUR, THIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S R.RAMESH Advocate on payment of necessary charges
SR.NO.8592

CRL OP.13952/2021

Date :16/08/2021

INBA 25/08/2021