



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirteenth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15755 of 2021

1 VISHAL [PETITIONERS / ACCUSED]
2 SARAVANAN

Vs

THE INSPECTOR OF POLICE, [RESPONDENT]
ALL WOMEN POLICE STATION,
VILLUPURAM DISTRICT.
CRIME NO.20 OF 2021.

For Petitioner : M/S. S.SARAVANA KUMAR 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 petitioners, who apprehend arrest for the alleged offence punishable under Sections 354(D), 384, 506(ii) of IPC r/w. section 12 of Protection Of Children from Sexual offence Act and 4 of Women Harassment Act, 2002, in Crime No.20 of 2021, on the file of the respondent police, seek anticipatory bail.

2 The case of the prosecution is that the petitioner, victim girl and the victim girl's brother are friends. For which the petitioner used to visit the victim girl house and had taken the photograph of the victim girl and threatened the victim girl that he will publish her morphed photo on social media. Based on the complaint given by the brother of the victim girl, the law enforcing agency registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submits that the petitioner and the victim girl are close friends and thereafter there was love affair between the petitioner and the defacto complainant's sister. He further submits that the victim girl on her own volition went along with the petitioner. However the same was not liked by the defacto complainant's family. Thereby the defacto complainant filed a complaint before the law enforcing agency. Apart from that the petitioner has not committed any offence as alleged by



the prosecution. Hence he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate submitted that the petitioner kidnapped the victim girl, who is the sister of the petitioner's friend and demanded ten lakh rupees and threatened the defacto complainant's sister that he will publish her morphed photo on social media.

5. This court perused the 164 statement. On perusal of 164 statements recorded under Section under 161(3) of Cr.P.C, it is made clear that there was serious allegations were made against the petitioner. However the petitioner produced whatsapp chat of the petitioner and the victim girl. On perusal of whatsapp chat revealed that the petitioner and the victim girl had love affair. On her own volition went along with the petitioner.

6. Considering the facts involved there is a contradiction between the 164 statement and whatsapp chat of the victim girl. Accordingly, 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 Session Judge, Special Court of cases under POCSO Act, Villupuram**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), each 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 petitioners 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;

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

-sd/-
13/09/2021

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 SESSION JUDGE
SPECIAL COURT OF CASES UNDER POCSO ACT,
VILLUPURAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

+1 CC to M/S. S.SARAVANA KUMAR Advocate on payment of necessary charges SR.NO.9971

CRL OP.15755/2021

Date :13/09/2021

TA-27/09/2021