

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.16615 of 2021

RAMESH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
METTUR, SALEM DISTRICT.
(CRIME NO.8/2021)

[RESPONDENT]

For Petitioner : M/S.C.DEEPAK 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 petitioner who apprehends arrest for the alleged offence under Sections 363, 366 of IPC r/w 7 & 8 of POCSO Act in Cr.No.8 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's daughter/victim girl was studying 12th standard in private school and she was found missing. Hence, the complaint was lodged by the defacto complainant against the petitioner. On investigation it was found that the victim girl was kidnapped by the petitioner and she was forced to marry the petitioner. After wordy quarrel between the petitioner and the victim girl, the petitioner took the victim girl to the Advocate office from where the victim girl was sent to the Women's Home. Thereafter, the victim was produced before the law enforcing agency which registered the case against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He also submitted that both petitioner and victim girl loved each other and out of the love affair, the victim girl only forced the petitioner to elope with her. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the victim girl is a minor and she is studying 12th standard in the private school and she was kidnapped by the petitioner and forced to marry him. Hence, he vehemently opposed to grant bail for the petitioner.

5.A perusal of the statement of the victim girl recorded under Section 164(5) Cr.P.C reveals that the petitioner was in love with the victim girl and had forced her to come along with him by way of threats and the victim girl went along with the petitioner. The victim girl also submitted that she was forced and threatened by the petitioner to leave the house in order to protect her family's reputation. However there is no serious allegation made against the petitioner with regard to the petitioner misbehaving with the victim or abusing her sexually. The victim girl has also been lodged in the Women's Home. In such circumstances this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

(a) Accordingly, petitioner is ordered to be released on anticipatory 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 Special Court for POCSO Act, Salem, 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 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;

(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.

-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 SPECIAL COURT FOR POCSO ACT,
SALEM.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
METTUR,
SALEM DISTRICT.

+1 CC to M/S.C.DEEPAK KUMAR Advocate on payment of necessary charges SR.NO.10017

CRL OP.16615/2021

Date :13/09/2021

INBA 23/09/2021