



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Ninth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.17281 of 2021

MUTHURAMAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PULIANTHOPE, CHENNAI.
CR.NO.07/2021.

[RESPONDENT]

For Petitioner : M/S.D.DAYALAN Advocate

For Respondent : M/S.C.E.PRATAP, 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 punishable under Sections 5(1), 5(j)(ii), r/w 6 of Protection of Children from Sexual Offences Act, 2012 in Crime No.07 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner fell in love with the victim girl aged about 16 years. When the victim girl was alone in her house, the petitioner went there and promised to marry her and had sexual relationship with her due to which, she became pregnant. When it was came to the knowledge of the defacto complainant, there was an altercation between them. Subsequently, the victim girl left from her home and stayed in the petitioner's house. Based on the complaint given by the mother 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 has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that there was a love affair between the petitioner and the victim girl and she had voluntarily left from her home and stayed with the petitioner's house and the petitioner is ready and willing to marry the victim girl legally after attaining majority. hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate submits that statement of the victim girl u/s 164 Cr.P.C. has been recorded, in which, the victim girl has admitted that on her own volition she left her parental home and stayed in the petitioner's house.

5. On perusal of the statement recorded under Section under 164 of Cr.P.C, it is made clear by the victim girl that on her own volition, she came out her house and stayed in the petitioner's house.

6. Considering the facts and circumstances of the case and as per the statement of the victim girl u/s 164(1) Cr.P.C., the minor girl had admitted that she had, on her own, left her home and stayed in the petitioner's house, 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 her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **learned Special Court for Exclusive Trial of Cases Under POCSO Act, Chennai** 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/-

29/09/2021

WEB COPY

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
EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PULIANTHOPE, CHENNAI.

+2 CC to M/S.D.DAYALAN Advocate on payment of necessary charges
SR.NO.10779

CRL OP.17281/2021

Date :29/09/2021

TA-18/10/2021