



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

Wednesday, the Twenty Seventh day of October Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.17844 of 2021

R.VENKATESAN

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PONNRI,
TIRUVALLUR DISTRICT.
CR. NO.14/2021

[RESPONDENT]

For Petitioner : M/S.S.AMBIGAPATHI Advocate

For Respondent : MR. 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 under Section 366(A) of IPC read with Section 5(1), 5(J), (i) (ii) & 6 of the Protection of Children from Sexual Offences Act, 2012 in Crime No.14 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the victim girl was in love with the petitioner and without the permission of their parents, they both got married. By suppressing the said marriage to their parents, both of them had sexual intercourse as a result of which, the victim girl became pregnant and delivered a male child due to which the defacto complainant/victim girl lodged a complaint against the petitioner. Hence, the case is registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution. However, on instructions, he further submits that the petitioner, without prejudice to his rights, is ready to abide any condition imposed by this Honourable court. Hence, he prays to grant anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.Side) submitted that the petitioner married a minor victim girl and also the victim girl delivered a male baby. The statement of the victim girl has been recorded under Section 164 Cr.P.C. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5.A perusal of the statement of the victim under Section 164 Cr.P.C reveals that the petitioner is the lover of the victim girl and that the marriage between them was performed on her own wish and volition further there is no serious allegation made against the petitioner. In such circumstances this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:-

(a) 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 Mahila Court, Ponneri, 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 is directed to report before the respondent police daily at 10.30 a.m. until further orders;

(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.

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-sd/-
27/10/2021

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 MAHILA COURT,
PONNERI.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PONNRI, TIRUVALLUR DISTRICT.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.S.AMBIGAPATHI Advocate on payment of necessary charges SR.NO.11931

CRL OP.17844/2021

Date :27/10/2021

INBA-12/11/2021