



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fifth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18534 of 2021

S.THIRUMAVALAVAN

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
RATHINAPURI POLICE STATION,
COIMBATORE DISTRICT.
CR.NO.493 OF 2021.

[RESPONDENT]

For Petitioner : M/S.J.PRADEEP 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 apprehend arrest at the hands of the respondent police for the alleged offence under Sections 366 & 506(i) of I.P.C r/w Sections 5(i), 6, 16 & 17 of the POCSO Act 2012 in Cr.No.493 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the De-facto Complainant's daughter was kidnapped by the petitioner herein. Hence the De-facto Complaint lodged a complaint against the petitioner before the law enforcing agency.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that there was a love affair between the petitioner and the victim girl and the victim girl on her own volition had eloped with the petitioner. Hence he prays for grant of anticipatory bail.



4. The learned Additional Public Prosecutor submitted that the investigation is pending in this case and the victim girl was secured and handed over to her parents. He further submitted that the statement of the victim girl u/s 164 of Cr.P.C has been recorded and a copy of the same is produced before this Court.

5. A perusal of the statement of the victim recorded u/s 164 of Cr.P.C reveals that the victim girl on her own volition had eloped with the petitioner and that no serious allegations have been made against the petitioner.

6. In view of the above, there being no serious allegations levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the petitioner is granted anticipatory bail and he 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 Sessions Judge, Special Court for Exclusive Trial of cases under POCSO Act, Coimbatore, 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) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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. 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 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;

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

-sd/-

25/10/2021

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 SESSIONS JUDGE
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT, COIMBATORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
RATHINAPURI POLICE STATION,
COIMBATORE DISTRICT.

CC to M/S.J.PRADEEP Advocate on payment of necessary charges

CRL OP.18534/2021

Date :25/10/2021