



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

Thursday, the Twenty First day of October Two Thousand Twenty One
PRESENT

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The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.18642 of 2021

A.SATHISHKUMAR

[PETITIONER / ACCUSED]

Vs

THE STATE BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SANKARI,
SALEM DISTRICT.
CR.NO.12 OF 2021.

[RESPONDENT]

For Petitioner : M/S.A.SARAVANAN 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 case has been heard through video conference)

The petitioner, who apprehend arrest for the alleged offence punishable under Section 447 of IPC and Sections 11(1) and 12 of Protection of Child from Sexual Offences Act, 2012 in Crime No.12 of 2021, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution is that when the defacto complainant's daughter alone in her house, the petitioner came to the defacto complainant's house in a undressed condition and induced the victim girl. 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 such offence as alleged by the prosecution. He further submits that there was a personal dispute between the petitioner's family and the defacto complainant's family, due to which, a false case has been foisted against the petitioner. Hence he prays for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate submitted that statement of the victim girl u/s 164 Cr.P.C. has been recorded, in which, the victim girl has stated that when she was alone in her house, the petitioner came to the defacto complainant's house in a undressed condition and induced the victim girl.

5. Considering the facts and circumstances of the case and on perusal of the statement of the victim girl u/s 164 Cr.P.C, there was no serious allegations against the petitioner and there was no sexual allegations against him, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Session Judge POCSO Court, Salem 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/-
21/10/2021

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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 SESSIONS JUDGE POCSO COURT,
SALEM.

2 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

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

+1 CC to M/S.A.SARAVANAN Advocate on payment of necessary
charges SR.NO.11518

CRL OP.18642/2021

Date :21/10/2021

INBA-28/10/2021