



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the First day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18849 of 2021

MANI

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
OMALUR POLICE STATION,
SALEM DISTRICT
(CRIME NO.7/2021)

[RESPONDENT]

For Petitioner : M/S.G.MUNURAJ Advocate

For Respondent : M/S. C.E.PRATAP, Govt. Advocate (Crl. Side)

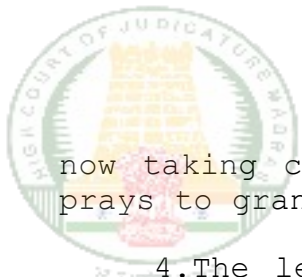
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the alleged offence under Section 5(i), 5j(ii), 6 of POCSO Act and Sec 9 of POCM Act 2006 in Crime No.7 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that while the victim girl staying in her aunt's house, the petitioner, who was a neighbour developed relationship with the victim girl and had sexual intercourse with her due to which she become pregnant and thereafter, she was admitted in the hospital and delivered a female child. Based on the intimation of the hospital authorities, the law enforcing agency registered a case 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. He further submitted that earlier this Court had dismissed the anticipatory bail application in Crl.O.P.No.16212 of 2021 dated 15.09.2021 on the ground that the petitioner refused to take care of the victim girl however, subsequently, the petitioner is



now taking care of the victim girl and his female child. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submitted that the petitioner had physical contact with the victim girl and she became pregnant and delivered a female baby thereafter the petitioner refused to take care of the victim girl and her child and further submits that this is the second anticipatory bail petition filed by the petitioner. He furthermore submitted that at present, the law enforcing agency has verified and ensured that the petitioner is taking care of the victim girl and her child. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the fact that at present, the petitioner is taking care of the victim girl and her female child and there being change of circumstance, 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 Special Court for exclusive trial of cases under 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. 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.

WEB COPY

-sd/-

01/11/2021

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 EXCLUSIVE
TRAIL OF CASES UNDER POCSO ACT,
SALEM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
OMALUR POLICE STATION,
SALEM DISTRICT

+1 CC to M/S.G.MUNURAJ Advocate on payment of necessary charges
SR.No.12328

CRL OP.18849/2021

Date :01/11/2021

APN 16/11/2021