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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.19072 of 2021

Gunasekar

... Petitioner

Vs.

State of Tamil Nadu
Rep. by The Inspector of Police,
W-16 All Women Police Station,
Pullianthope (District),
Chennai - 12.
Cr.No.12 of 2021.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.12 of 2021 on the file of the respondent.

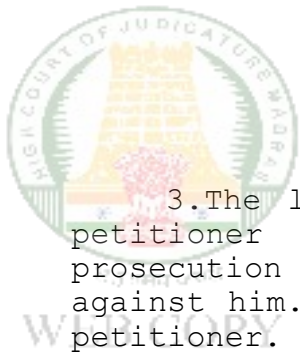
For Petitioner : Mr.M.B.Prabhu

For Respondent : Mr.N.S.Suganthan
Government Advocate
(Crl. Side)

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 5(j)(ii) and 6 of POCSO 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 an engagement has been arranged between the petitioner and the victim on 23.02.2021. After the engagement, the victim and the petitioner were in deep love and affection with each other, and it resulted in pregnancy of the victim for the past four months. Suddenly, the parents of the victim girl arranged her marriage with a 50 years old man. The victim girl left her house and came to this petitioner house voluntarily and the petitioner gave shelter to the victim purely on the humanitarian grounds.



3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and the defacto complainant has lodged a false complaint against him. Therefore, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) would submit that the investigation is yet to be completed and the statement under Section 164 Cr.P.C, of the victim girl, was also recorded.

5. Considering the facts and circumstances of the case and taking note of the fact that there is no specific overt act as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

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 X Metropolitan Magistrate, Egmore, 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 Magistrate / Trial Court 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 every Saturday 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 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.

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-sd/-

17/11/2021

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 X METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W-16 ALL WOMEN POLICE STATION,
PULLIANTHOPE DISTRICT, CHENNAI -12.

+1 CC to M/S.C.JOHNSON SAMUEL Advocate on payment of necessary charges SR.NO.13021

CRL OP.19072/2021

Date :17/11/2021

RW 22/11/2021