



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

Friday, the Twelfth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI
CRIMINAL ORIGINAL PETITION No.19823 of 2021

SURESH

[PETITIONER / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PONNERI,
THIRUVALLUR DISTRICT.
Cr.No.25 of 2021

[RESPONDENT]

For Petitioner : M/S. S.THIRUGNANAM Advocate

For Respondent : MR. N.S.SUGANTHAN, Govt. Advocate (CrI. 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 11(1), 12, 18 of Prevention of Children from Sexual Offences Act 2012 in Cr.No.25 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are neighbours. On 26.08.2021 around 2.30 pm., when the defacto complainant's daughter aged about 10 years playing in front of her house, the petitioner stood naked in front of the victim girl and asked her to come here. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that defacto complainant/mother of the victim girl wants to withdraw the case. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (CrI.Side) appearing for the respondent submits that the when the defacto complainant's daughter aged about 10 years playing in front of her house, the petitioner



stood naked in front of the victim girl and asked her to come here. Hence, he opposed for grant of anticipatory bail to the petitioner, but accept the fact that the defacto complainant informed that she proposed to withdraw the complaint .

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5. Considering the facts and circumstances of the case and also considering the submissions made by both counsel, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on anticipatory 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 Judge, Exclusive Trial for POCSO ACT Cases, Thiruvallur 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 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 four weeks and till the disposal of the case, the petitioner shall not have any communication with the victim girl and her family;

(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 anticipatory 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/-

12/11/2021

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 JUDGE,
EXCLUSIVE TRIAL FOR POCSO ACT CASES,
THIRUVALLUR

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, PONNERI,
THIRUVALLUR DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. S. THIRUGNANAM Advocate on payment of necessary charges Sr.12690

CRL OP.19823/2021

Date :12/11/2021

RVR 17/11/2021