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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23516 of 2021

Sathish Kumar

...Petitioner

Versus

State Rep by

... Respondent

The Inspector of Police,

W-16, Pulainathope All Women Police Station,
Chennai.

(Crime No.15 of 2021)

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of their arrest in Crime No.15 of 2021 pending investigation on the file of the respondent police.

For petitioner : Mr.N.Naresh

For Respondent : Mr.A.Gokulakrishnan

Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under sections 5(j) (ii) r/w 6 of POCSO ACT, in Crime No.15 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that on 22.10.2021, the respondent police received information from Egmore Children hospital that a 17½ old girl was admitted in maternity ward for delivery check up. It is alleged that the petitioner and victim the minor girl had love affair with each other. Thereby, the petitioner performed marriage with the victim minor girl. Hence, the complaint was registered.

3. The learned counsel for the petitioner submits that the petitioner did not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that they both were leading their matrimonial life peacefully. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor submits that investigation almost completed. However, he opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, 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 before the learned **THE SPECIAL COURT EXCLUSIVELY TRIABLE FOR POCSO ACT at 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, failing which, the petition for anticipatory bail shall stand dismissed 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 may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner is directed to report before the respondent police on every Saturday at 10.30.a.m, until further orders;

[c] the petitioner shall not tamper with the 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]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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-sd/-
07/12/2021

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 EXCLUSIVELY
TRIABLE FOR POCSO ACT, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
W-16, PULIANTHOPE ALL WOMAN POLICE STATION,
CHENNAI.

+1 CC to M/S.N.NARESH Advocate on payment of necessary charges
SR.NO.14165

CRL OP.23516/2021

Date :07/12/2021

TA-14/12/2021