



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.24242 of 2021

Vikraman

...Petitioner

Versus

The State Rep by
The Inspector of Police
All Women Police Station,
Seerkali, Myladuthurai District.
(Crime No.20 of 2021)

...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest in Crime No.20 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.B.S.Ramesh

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 6, r/w Sec 5(L)(J)(ii) of POCSO Act in Crime No.20 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the victim minor girl loved each other. It is alleged that the victim girl eloped with the petitioner and had physical intercourse, due to which, she became pregnant. In the mean time, when the victim girl went for medical check up, she was referred to Child Welfare Committee. Based on the complaint lodged by the Child Welfare Committee, 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 and he has been falsely implicated in this case. He also further submitted that initially, the petitioner filed anticipatory bail application before this Court in Cr1.O.P.No.17852 of 2021 and



the same was dismissed. Subsequently, the petitioner is ready to marry the victim girl. He further submitted that the petitioner has also filed an affidavit to that effect. Hence, he prays for grant of anticipatory bail to the petitioner.

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4. The learned Additional Public Prosecutor submitted that the statement under Section 164 of Cr.P.C has been recorded from the victim girl after the victim girl has also been secured. He further submitted that the investigation is almost completed. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also the fact that the petitioner is now ready and willing to marry the victim girl and filed an affidavit to that effect, this Court is inclined to grant anticipatory bail to the petitioner with 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 Judicial Magistrate, Seerkali, 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) if the petitioner fail to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(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 on every Wednesday at 10.30 a.m., until further orders.

(d) the petitioner should implemented the affidavit which shall form part of the order

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioner shall not abscond either during investigation or trial;



(g) 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;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

14/12/2021

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 JUDICIAL MAGISTRATE,
SEERKALI, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM(FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SEERKALI,
MYLADUTHURAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.B.S.RAMESH Advocate on payment of necessary charges
Sr.14783

CRL OP.24242/2021

Date :14/12/2021

RVR 21/12/2021