



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.23566 of 2021

David

... Petitioner

Versus

State Rep by
The Inspector of Police,
W 13 All Women Police Station,
Washermanpet,
Chennai- 600 021
(Crime No.1086 of 2021)

... Respondent

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.1086 of 2021 pending investigation on the file of the respondent police.

For petitioner : Mr.B.Kumarasamy

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 section 4 of POCSO Act 2012, in Crime No.1086 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that petitioner and the defacto complainant's daughter aged about 17 years loved each other. Thereafter the victim girl eloped with the petitioner and thereby performed marriage with him. 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 they have been falsely implicated in this case. He further submits that now the victim girl had attained majority. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor submits that the investigation almost completed and 164 statement also recorded. 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 Special Court for Especially Trial for POCSO Act Cases, 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.

-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 FOR
ESPECIALLY TRIAL FOR POCSO ACT CASES,
CHENNAI

2 THE INSPECTOR OF POLICE,
W-13, ALL WOMEN POLICE STATION,
WASHERMANPET, CHENNAI-600 021.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.B.KUMARASAMY Advocate on payment of necessary charges
Sr.14177

CRL OP.23566/2021

Date :07/12/2021

RVR 13/12/2021