



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CrI.O.P.No.23880 of 2021

N.Vasanthakumar

...Petitioner

Versus

The State
Rep by the Inspector of Police,
All Women Police Station,
Pollachi.
(Crime No.33 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.33 of 2021 pending investigation on the file of the respondent police.

For Petitioner : M/s.I.Abrar Mohamed Abdullah

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 9(1) read with 10 of POCSO Act and 11(4) read with 12 and 352 of IPC, in Crime No.33 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was love affair between the petitioner and the defacto complainant during the year 2019. Further, the petitioner misbehaved the defacto complainant. Further, the case of the prosecution is that in the year 2019, there was a wordy quarrel between the petitioner and the father of the defacto complainant. Followed which, the Inspector of Police, Anaimalai Police Station registered a case against the petitioner. On 28.11.2021, the petitioner had attacked the defacto complainant. Hence, the complaint.

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. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor submitted that the investigation is almost completed and there is no previous case pending against the petitioner. 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 investigation is almost completed, 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 Special Court for POCSO, Coimbatore, 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 daily at 10.30 a.m., until further orders.

(d) the petitioner should implemented the affidavit 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 SPECIAL COURT FOR
POCSO ACT, COIMBATORE.

2 THE INSPECTOR OF POLICE,
ALL WOMENS POLICE STATION
POLLACHI, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to I.ABRAR MOHAMED ABDULLAH Advocate on payment of necessary charges Sr.14215

CRL OP.23880/2021

Date :14/12/2021

RVR 21/12/2021