



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.2888 of 2021

Petchimuthu

... Petitioner/Sole Accused

Vs

1. The State rep.by,
The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
Crime No. 516 of 2020..

... 1st Respondent/Complainant

2. Kannan

...2nd Respondents/Defacto Complainants

For Petitioner : M/s.Sasikumar V,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.516 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 366, 376 of IPC and Section 6 r/w Section 5(1) of POCSO Act, seeks anticipatory bail.

2.The case of the prosecution is that the victim girl, namely, Tamilarasi @ Thambirati eloped with the petitioner. Hence, the defacto complainant, who is the father of the victim, lodged a complaint for girl missing.

3.The learned counsel for the petitioner would submit that the defacto complainant, on her own wish, left the



parental home and joined with the hands of the petitioner. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that the investigation is pending.

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5.It is seen from the records that the petitioner and the victim girl are relatives. Both of them were in love with each other. In fact, the victim girl informed her parents about their love affair, which was objected by the victim parents. Due to which, there was an arrangement for marriage with somebody else. Since the petitioner's family is economically weaker, they compelled the victim to marry another person. The victim, opposing her parents decision, had forced the petitioner to take her away, otherwise she would commit suicide. The petitioner had no other option to accompany the victim girl and they were staying with the relation's house for sometime. Later on, the victim girl has voluntarily go to the parents' home, but the parents refused to do so. Hence, she had appeared before the respondent police.

6.Taking note of the above facts and circumstances of the case and also taking note of the statement of the victim girl, that the petitioner and the victim girl was in love with each other. When the same was objected by the victim's family, the victim had left her parental home on her own wish and stayed in the relation house and except this allegation, no overt act has been attributed against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

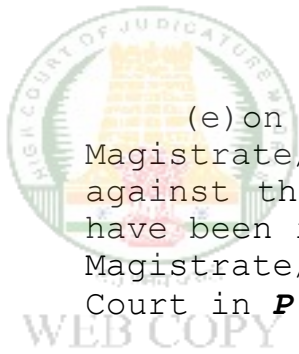
7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Tirunelveli, on condition 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 to 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 Magistrate 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 as and when required for interrogation.

(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 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/-

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE SESSIONS JUDGE,
SPECIAL COURT FOR EXCLUSIVE TRIAL OF CASES
UNDER POCSO ACT,
TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE
TENKASI POLICE STATION,
TENKASI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.SASIKUMAR, Advocate SR.No.2329

ORDER

IN

CRL OP(MD) No.2888 of 2021

Date :18/03/2021

NR/VR/SAR-II(23.03.2021) 3P:5C