



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.4855 of 2021

P.Karuppanan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Thallakulam. Madurai City.
Crime No.13 of 2021

... Respondent/Complainant

For Petitioner : Mr.P.T.Ramesh Raja,
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.13 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5(i), 6 and 9 of POCSO Act in Crime No.13 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had love affair with the minor girl and also had physical relationship with her. Later they got married. When the minor girl admitted in the hospital for delivery, the hospital authorities on finding that the victim is a minor girl, lodged the present complaint.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the parents of the petitioner and the victim girl are uneducated and now the petitioner is taking care of both the victim and new born baby. Hence, he prayed for grant of anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that the petitioner herein had physical relationship with a minor girl and made her pregnant. Hence, he opposed to grant anticipatory bail to the petitioner.

5.It is seen that the defacto complainant and the minor girl loved each other and thereafter, they got married in a temple without the permission of the parents. Later the marriage was accepted by them. Thereafter, the minor girl was admitted for delivery in a Government Hospital where it was found that the victim is a minor. Section 164 Cr.P.C., statement also confirmed the same. It is further seen that the parents of the petitioner as well as the minor girl are uneducated coolie workers. The date of birth recorded in the School certificates was recorded on their own for the purpose of admission, which is not correct age of the victim girl. Now the victim girl and new born baby are taken care of by the petitioner and they are living together.

6.In view of the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the Special Court for POCSO Act Cases, Madurai, 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 appear 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 *Govindarajan P. In/ K. S. S. vs. State of Kerala* [(2005) AIR SCW 5560]; and;



(f)if the accused/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/03/2021

WEB COPY

/ TRUE COPY /

/ /2021

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

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 SPECIAL COURT FOR POCSO ACT CASES,
MADURAI.
- 2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALLAKULAM. MADURAI CITY.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.P.T.RAMESH RAJA Advocate SR.No.2788

ORDER
IN
CRL OP(MD) No.4855 of 2021
Date :30/03/2021

GNS
TK/JC/SAR.1/08.04.2021/3P/5C