



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

Date : 26/05/2021

PRESENT

WEB COPY

The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP (MD) . No.6994 of 2021

Vinoth @ Periyakaruppu

... Petitioner/Sole Accused

Vs

1. The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
Crime No. 35 of 2021.
(FIR Registered Police Station)

2. The Inspector of Police,
All Women Police Station,
Aruppukottai,
Virudhunagar District.
Crime No.35 of 2021
(FIR Investigation Police Station) ... Respondents/Complainants

For Petitioner : Mr.G.Mariappan for
M/s.Veera Associates, Advocate

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

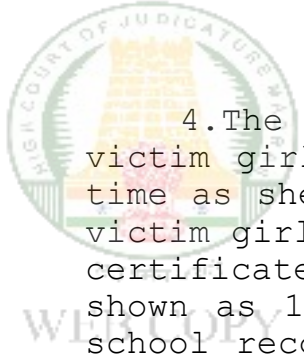
PRAYER:- For Anticipatory Bail in the Crime No.35 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order:-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 3 r/w and 5(1) r/w 6 of POCSO Act in Crime No.35 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.Heard both sides.

3.The case of the prosecution is on 06.05.2021, the respondent Police had registered a case against the petitioner, based on the complaint given by the defacto complainant stating that his daughter Kavitha, aged about 17 years was missing from 01.05.2021 at 11.30 p.m. Hence, the present complaint.



4.The learned counsel for the petitioner would submit that the victim girl has produced her adhar card and she was major at that time as she was born on 26.03.2003. Subsequently, the father of the victim girl has produced her school certificate along with the birth certificate, wherein, the date of birth of the victim girl has been shown as 16.06.2003. Hence, the victim girl is a minor as per the school record. The respondent Police had sent an alteration report as if the petitioner had committed offences under Section 3 r/w and 5(1) r/w 6 of POCSO Act and hence, he seeks anticipatory bail.

5.The learned Additional Public Prosecutor, on instructions, would submit that it is the case of love affair between the victim girl and the petitioner and the petitioner did not complete 21 years and therefore, he could not marry the victim girl. He would further submit that subsequently, the matter was compromised between the parties and that the father of the victim girl has submitted an application before the respondent Police for withdrawing the complaint.

6.Considering the fact that there existed a love affair between the petitioner and the victim girl and that admittedly the victim girl was born on 16.06.2003 and that the matter was compromised between the parties as admitted by the learned Additional Public Prosecutor and also considering the impact of Covid-19 pandemic situation and the consequent efforts not to congest the prisons, this Court is of the view that the arrest of the petitioner at this point of time is not necessary and not warranted in the interest of public at large, hence, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7.The petitioner shall be released in the event of arrest by the respondent police or on his surrender before the learned Judicial Magistrate, Special Court for exclusive cases under POCSO Act 2012, Virudhunagar, within a period of one month from the date of resumption of regular work in the Court below, on bail, on execution of bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a likesum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate, Special Court for exclusive cases under POCSO Act 2012, Virudhunagar and on further conditions that:

[a] 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 abscond either during investigation or trial.



[d]the petitioner shall not tamper with evidence or witness 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

26/05/2021

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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 JUDICIAL MAGISTRATE,
SPECIAL COURT FOR EXCLUSIVE CASES UNDER POCSO ACT 2012,
VIRUDHUNAGAR.
2. DO THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
NARIKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN

CRL OP(MD) No.6994 of 2021

Date :26/05/2021