



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15.09.2021
PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12606 of 2021

M.Ramkumar

... Petitioner/Sole Accused

Vs

State Rep. by
Station House Officer,
Sivakasi Town Police Station,
Virudhunagar District.
(Crime No.260 of 2021)

... Respondent/Complainant

For petitioner : Mr.K.Kannan, Advocate.

For Respondent : Mr.T.Senthilkumar

Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail Crime No.260 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 366 (A) IPC altered into Section 5(1), 6 of POCSO Act 2012 in Crime No.260 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 10.07.2021 at about 7.15 p.m. the defacto complainant's daughter went to a nearby shop and thereafter, she did not return home. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner and the defacto complainant's daughter loved each other. On the insistence of victim only, the petitioner brought her to his home, since she threatened to commit suicide, if he had not taken to his home.

4.The learned Government Advocate submits that the victim is aged about 17 ½ years and the petitioner is aged about 20 years. Statement under Section 164 Cr.P.C. of the victim has also been recorded, where, the victim has admitted that it is a love affair between her and the petitioner and she also admitted that at her insistence only, the petitioner brought her to his house to marry her.



5.Considering the nature of allegations levelled against the petitioner and the 164 Cr.P.C. Statement of the victim, this Court is inclined to grant anticipatory bail to the petitioner with stringent conditions.

6.Accordingly, this Criminal Original Petition is allowed and 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 learned Sessions Judge, Special Court for the cases under the POCSO Act, Srivilliputhur, 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 learned Judge concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent police as and when required for the interrogation;

(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 Judge/ 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 Judge/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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/09/2021

/ 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



TO

1 THE SESSIONS JUDGE,
SPECIAL COURT FOR THE CASES UNDER THE POCSO ACT,
SRIVILLIPUTHUR.

2 THE STATION HOUSE OFFICER,
SIVAKASI TOWN POLICE STATION, VIRUTHUNAGAR DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.B.FAZIL KIRMANI, Advocate (SR-6285[I] dated 16/09/2021)

ORDER

IN

CRL OP(MD) No.12606 of 2021

Date :15/09/2021

TM

MK/PN/SAR.IV/22.09.2021/3P/5C