



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 30.09.2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13578 of 2021

Chandramohan @ Chandiramohan ... Petitioners/Accused Rank No.6

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
AWPS Melur, Madurai District.
In Crime No.13 of 2021.

... Respondent/Complainant

N.Rajan Babu ... Petitioner/ Intervener/Defacto Complainant

For Petitioner : Mr.S.J.Chakkkaravarthy
Advocate.

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl. side)

For Intervenor : Mr.Banuprasath, Advocate.

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/A6 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 5(1), 6 and 16 r/w 17 of POCSO Act 2012 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 along with other accused have tried to conduct marriage of the de-facto complainant's daughter with A1, at that time, the de-facto complainant refused to marry her daughter with A1 and tried to get back her daughter from the other accused. But the daughter of the de-facto complainant has not returned back to the de-facto complainant. Hence, the complaint.

3.The learned counsel for the petitioner submits that A1 and the de-facto complainant's daughter loved each other and the same was objected by the de-facto complainant. Hence, the de-facto complainant gave a false complaint against the petitioner and



4.The learned Government Advocate (Crl. side) appearing for the respondent police submits that the victim girl was secured and she is now with her parents.

5.Considering the facts and circumstances of the case and the nature of allegation made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 District Sessions and Special Court for POCSO Cases, Madurai, Madurai District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate 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 Magistrate 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 daily at 10.30 a.m. until further orders.

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

sd/-
30/09/2021

/ 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 concerned.

WEB COPY

TO

- 1 THE DISTRICT SESSIONS AND
SPECIAL COURT FOR POCSO CASES, MADURAI,
MADURAI DISTRICT.
- 2 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, AWPS MELUR,
MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.J.CHAKKKARAVARTHY, Advocate SR.No.6747.

+1. CC to M/S.P.BANU PRASATH, Advocate SR.No.6795.

ORDER
IN
CRL OP(MD) No.13578 of 2021
Date :30/09/2021

KMM
MK/VR/SAR.IV/28.10.2021/3P/6C