



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/09/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.14057 of 2021

Ganesan

... Petitioner/Accused

Vs

State rep.by
The Inspector of Police,
East Police Station,
Kovilpatti,
Thoothukudi District.
(Crime No.945 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Banuprasath P, Advocate.

For Respondent : M/s.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory bail in Crime.No. 945 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 offence punishable under Sections 16 and 17 of POCSO act, 2012, in Crime No. 945 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The defacto complainant is the father of the victim girl, who is aged about 17 ½ years. He lodged a complaint before the respondent Police alleging that on 27.08.2021 at about 10.00 a.m. the defacto complainant's daughter went to the computer centre and thereafter, she did not return home.



3. The learned counsel for the petitioner submits that the petitioner and the victim girl fell in love with each other and due to the love affair, both the petitioner and the victim girl went out of the village. After the advice of elders, they returned to the village.

4. The learned Additional Public Prosecutor submits that the victim girl was also produced before the concerned Judicial Magistrate, where, the statement of the victim girl was recorded under Section 164 Cr.P.C, in which, she has stated that she had love affair with the petitioner and since her parents refused to marry off her with the petitioner, she voluntarily went along with the petitioner and got married.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and also the fact that the victim girl in her statement stated that she had love affair with the petitioner and since her parents refused to marry her with the petitioner, she voluntarily went along with the petitioner and got married, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original Petition is allowed. The petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kovilpatti, on condition that he 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 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]**;



[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
28/09/2021

/ TRUE COPY /

/ /2021

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

OGY

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 NO.I,
KOVILPATTI.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
EAST POLICE STATION, KOVILPATTI,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.BANUPRASATH P Advocate SR.No.6674

ORDER
IN
CRL OP(MD) No.14057 of 2021
Date :28/09/2021