



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

Date : 08/01/2021

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.16104 of 2020

Balasubramani @ Balasubramaniyan ... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Thalakulam,
Madurai District.
(Crime No.71/2020).

... Respondent/Complainant

For Petitioner : Mr.Chandrapandi.V,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.71/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under section 11(1) r/w 12 of POCSO Act, in Crime No.71 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is the mother of the victim girl. The petitioner is residing opposite house of the victim girl and they loved each other for the past three years. When the same came to the knowledge of the parents of the victim girl, they objected the same. Thereafter, the victim girl stopped continue her relationship with him. Due to which, the petitioner is said to have tortured the victim girl and compelled her to love him. Based on the complaint given by the mother of the victim girl, the case has been registered.



3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is a second year BBA student. He further submitted that the petitioner and the victim girl loved each other for the past three years. Thereafter, when the parents of the victim girl came to know that the petitioner belongs to Scheduled Caste community, the victim girl stopped to love him. The parents of the victim girl said to have attacked the petitioner. Thereafter, the petitioner has lodged a complaint in Crime No.2769 of 2020. As a counter blast, the present complaint has been lodged by the defacto complainant. Hence, he prayed for grant of anticipatory bail to the petitioner.

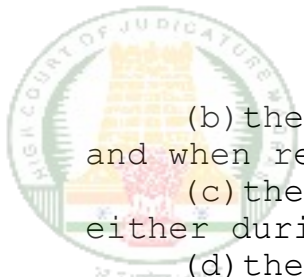
5. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the victim girl is aged about 17 years. The petitioner and the victim girl loved each other for the past three years. Thereafter, the victim girl stopped to love him. Due to which, the petitioner said to have tortured the victim girl and compelled her to love him. The learned Government Advocate (Criminal Side) has also produced the statement of the victim girl under Section 164(5) of Cr.P.C.

6. From the perusal of the records including the statement recorded under Section 164(5) of Cr.P.C, it is seen that the petitioner and the victim girl loved each other for the past three years. Thereafter, when the same was came to knowledge of the her parents, she stopped to love him. Despite the same, the petitioner had been following and causing harassment to the victim girl.

7. Considering the facts and circumstances of the case and also considering the fact that except harassment, there is no other serious allegation against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. 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 learned Judicial Magistrate, Additional Mahila Court, Madurai District, 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



(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]; and;

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

sd/-

08/01/2021

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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,
ADDITIONAL MAHILA COURT,
MADURAI DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THALAKULAM, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.16104 of 2020

Date :08/01/2021

VSG

<https://hccr.ces.eco.in/Sdcr/Hccr/2021.01.2021/3P/5C>