



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.599 of 2022

M.Praveen Kumar

... Petitioner

Versus

State by
The Inspector of Police,
All Women Police Station,
Thudiyalur, Coimbatore District.
(Crime No.38 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioner on bail in the event of his arrest by the respondent police in the case pending investigation in Crime No.38 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Thamarai Selvan

For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 5(1) r/w 6 r/w 17 of POCSO Act in Crime No.38 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant has given a complaint before the respondent police on 22.12.2021 on the allegation that the defacto complainant is a divorcee and he has only one daughter and she is running a textile shop in the name of Vaishnav Fashions for the past two years and her daughter is studying 11th standard, her daughter used to come to the shop and look after the shop during free hours while this is so near his shop the petitioner father is running a shop in the name of the auto world. The petitioner has inconvenienced the defacto complainant daughter the



Praveen wants to marry the defacto complainant daughter, thereafter the defacto complainant daughter has told that she loves Praveen, thereafter the said Praveen had sexual intercourse with the defacto complainant daughter several times in several places and also taken photos to the extent and thereafter by showing the photographs Praveen has received a cash on several occasion from the defacto complainant daughter to the tune of Rs.6,00,000/- and this was came to know to the defacto complainant and the defacto complainant has given a complaint. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and she has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that 164 statement recorded, investigation almost completed, co-accused already released on bail. However, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Sessions Judge, Special Court to try the cases under POCSO Act, Coimbatore, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 on every Tuesday and Saturday at 10.30 a.m., until further orders and the petitioner shall not have any communication with the victim girl or to the defacto complainant's family;

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

-sd/-

11/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE,
SPECIAL COURT TO TRY THE CASES UNDER POCSO
ACT, COIMBATORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THUDIYALUR, COIMBATORE DISTRICT.

+1 CC to M/S. R.THAMARAI SELVAN Advocate on payment of necessary charges SR.NO.521

CRL OP.599/2022

Date :11/01/2022

RW 24/01/2022