



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.777 of 2022

Muthu @ Muthukumaran

.. Petitioner

Versus

The State Rep.by
The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai,
(Cr.No.3354 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on Anticipatory bail in the event of his arrest by the respondent police in Crime No.3354 of 2020 on the file of the respondent police (H-6, R.K.Nagar Police Station).

For Petitioner : Mr.A. Venkateswara Babu

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 4 of POCSO Act and 9 of Prohibition of Child Marriage Act, and under Sections 17, 7, 21 of POCSO Act, read with Section 10 of Child Marriage Act, in Crime No.3354 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner/A1 had taken the victim girl and married her with the help of the second accused. A1 made voluntarily sexual intercourse with her. Hence this complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted on him. He would further submit that the co-accused already granted bail in CrI.M.P.No.1419 of 2021, dated 06.12.2021 by the Special Court for Exclusive Trial of Cases under POCSO Act, Chennai. Hence, he prays for grant of anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that the petitioner along with other accused taken the victim girl and A1 has got married her with the help of A2. He would further submit that the co-accused was released on bail.

5. Considering the facts and circumstances of the case and the submissions made by both counsels and the investigation is almost completed, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Sessions Judge, Special Court for Exclusive Trial of Cases under POCSO Act, Chennai, and on further conditions 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 Saturday at 10.30 a.m. until further orders.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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;

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

-sd/-
12/01/2022

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 FOR EXCLUSIVE TRIAL OF CASES UNDER POCSO ACT,
CHENNAI.

2 THE INSPECTOR OF POLICE,
H-6, RK NAGAR POLICE STATION,
CHENNAI.

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

CC to M.ILLIYAS Advocate on payment of necessary charges

CRL OP.777/2022

Date :12/01/2022

INBA~07/02/2022