



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

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THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.1604 of 2022

Ranjithkumar

... Petitioner

Versus

State represented by
The Inspector of Police,
Valapady Police Station,
Salem District.
(Crime No.600 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 in Crime No.600 of 2021 on the file of the Inspector of Police, Valapady Police Station, Salem District.

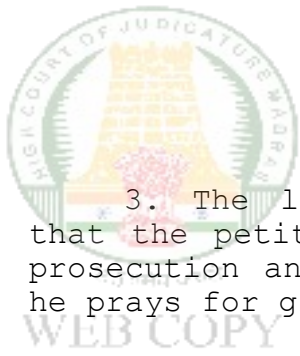
For Petitioner : Mr.B.Vasudevan

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, 6 of POCSO Act 2012 in Crime No.600 of 2021, seeks anticipatory bail.

2. The case of the prosecution is that on 23.11.2021 minor Vaitheeswari, aged 16 years, studying 11th std., the daughter of defacto complainant Anajali, wife of Ramamurthy found missing from 7.15 p.,., she informed to her mother that she went out for buying notebook from shop she did not return, defacto complainant gave complaint to the respondent police, thereafter it is found that the victim girl was eloped from the village with the petitioner due to love affair, further the parents of the girl took steps for marriage of the victim, against her will. But the respondent police secured the victim and she stated in 161 statement that the petitioner committed the offence of sexual harassment and had sexual intercourse with victim. 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 he 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 the 164 statement recorded, investigation completed, the victim girl is secured, as per the statement they got married. 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 District Munsif cum Judicial Magistrate, Valapady, 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 at 10.30 a.m., until further orders and the petitioner is directed to file an affidavit before the Trial Court and to maintain the victim girl after attained majority;

(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/-

25/01/2022

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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 DISTRICT MUSIF CUM JUDICIAL MAGISTRATE,
VALAPADY.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
VALAPADY POLICE STATION,
SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S B.VASUDEVAN Advocate on payment of necessary
charges SR.NO.1186

CRL OP.1604/2022

Date :25/01/2022

INBA~31/01/2022